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ROYAL COMMISSION OF INQUIRY INTO CERTAIN
DEATHS AT THE HOSPITAL FOR SICK CHILDREN AND
RELATED MATTERS.

Hearing held
8th floor
180 Dundas Street West
Toronto, Ontario

The Honourable Mr. Justice S.G.M. Grange	Commissioner
P.S.A. Lamek, Q.C.	Counsel
E.A. Cronk	Associate Counsel
Thomas Millar	Administrator

Transcript of evidence
for

MARCH 7, 1984

VOLUME 116

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Hearing held on the 8th Floor,
180 Dundas Street West, Toronto,
Ontario, on Wednesday, the 7th
day of March, 1984.

- - - -

THE HONOURABLE MR. JUSTICE S.G.M. GRANGE - Commissioner
THOMAS MILLAR - Administrator
MURRAY R. ELLIOT - Registrar

APPEARANCES


E. CRONK	Commission Counsel
D. HUNT)	Counsel for the Attorney
L. CECCHETTO)	General and Solicitor General
	of Ontario (Crown Attorneys
	and Coroner's Office)
I.J. ROLAND)	Counsel for The Hospital for
M. THOMSON)	Sick Children
R. BATTY)	
B. PERCIVAL, Q.C.)	Counsel for The Metropolitan
D. YOUNG)	Toronto Police
W.N. ORTVED	Counsel for numerous Doctors
	at The Hospital for Sick
	Children
B. SYMES	Counsel for the Registered
	Nurses' Association of Ontario
	and 35 Registered Nurses at
	The Hospital for Sick Children

(Cont'd) ..



APPEARANCES (CONTINUED):

D. BROWN	Counsel for Susan Nelles - Nurse
E. FORSTER	Counsel for Phyllis Trayner - Nurse
M. ROSENBERG	Counsel for Sui Scott - Nurse
J.A. OLAH	Counsel for Janet Brownless - R.N.A.
B. KNAZAN	Counsel for Mrs. M. Christie - R.N.A.
S. LABOW	Counsel for Mr. & Mrs. Gosselin, Mr. & Mrs. Gionas, Mr. & Mrs. Inwood, Mr. & Mrs. Turner, Mr. & Mrs. Lutes, and Mr. & Mrs. Murphy (parents of deceased children)
F.J. SHANAHAN	Counsel for Mr. & Mrs. Dominic Lombardo (parents of deceased child Stephanie Lombardo); and Heather Dawson (mother of deceased child Amber Dawson)
W.W. TOBIAS	Counsel for Mr. & Mrs. Hines (parents of deceased child Jordan Hines)
J. SHINEHOFT	Counsel for Lorie Pacsai and Kevin Garnet (parents of deceased child Kevin Pacsai).



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E R R A T A

Volume	Page	Line	Discrepancy
110	4845	22	"June 17th, 1981" should read "June 17th, 1982"
"	4990	13	"afternoon" should read "morning"
112	5209	6	"changed" should read "unchanged".



INDEX OF WITNESSES

<u>Name</u>	<u>Page No.</u>
<u>BROWNLESS</u> , Janet (Resumed)	6171
Direct Examination by Ms. Cronk (Cont'd)	6171

INDEX OF EXHIBITS

<u>No.</u>	<u>Description</u>	<u>Page No.</u>
379	Notes made by Janet Brownless.	6284
376	List of arrests at which Janet Brownless present.	[Omitted in Transcript Volume 116]



A/RD/ko

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--- Upon commencing at 9:35 a.m.

JANET BROWNLESS, Resumed

THE COMMISSIONER: Yes, Mrs. Cronk.

MS. CRONK: Thank you, sir.

DIRECT EXAMINATION BY MS. CRONK: (Continued)

Q. You will recall that yesterday,
at the end of the day -- let me start by saying, do
we have a microphone on now that you think might work?

A. I am wired for sound.

Q. You are wired for sound. Can
we proceed then.

You will remember at the end of the
day yesterday that I was discussing with you what I
described as the atmosphere on Wards 4A and 4B in
the fall of 1980 and I asked you, towards the end of
the day, whether or not you were aware, at that time,
of any particular stress being felt by any of the
nurses on 4A and 4B. Do you recall that?

A. Which day are you talking about?

Q. I am talking generally about
October, November, the fall of 1980. That is the
question I asked. Do you remember the discussion in
general terms?

A. Briefly, yes.

Q. Okay. Were you, at any time in



1
2 the fall of 1980, aware of any conflict or conflicts
3 that mainly existed between members of the Phyllis
4 Trayner nursing team?

5 A. I was not aware of any conflicts.

6 Q. Were you aware of any disagree-
7 ment or disagreements which may have taken place
8 between members of the Phyllis Trayner nursing team
9 in the fall of 1980?

10 A. Not in the fall of 1980.

11 Q. Well, was there a time when you
12 became aware of disagreements which had taken place
13 between members of that team?

14 A. I heard of a disagreement once
15 after Jordan Hines had died.

16 Q. Perhaps we will deal with that
17 then when we come to Jordan Hines. Other than that
18 episode were you, at any time prior to March of 1981,
19 when Jordan Hines died, aware of any tension or dis-
20 agreements between any members of the Phyllis Trayner
21 nursing team and specifically any between Phyllis
22 Trayner and Susan Nelles?

23 A. Not to my knowledge.

24 Q. Do you recall at any time, Miss
25 Brownless, hearing a team leader on 4A remark: "It's
for the team leader to settle arguments"?



1

2

A. No, I don't recall that remark.

3

4

Q. Do you recall being interviewed
by representatives of the Metropolitan Toronto Police
on November 9, 1982?

5

6

A. I don't recall what date I was
interviewed.

7

8

Q. Do you recall being interviewed
at some point by Staff Sergeant Wolfe and a Sergeant
Low of the Metropolitan Toronto Police?

9

10

A. Yes, I do.

11

Q. Those names are familiar to you?

12

A. Yes, they are.

13

Q. Did they interview you at some
point?

14

A. Yes they did.

15

16

Q. If I suggested to you that the
interview took place on November 9th, 1982, would you
have any reason to disagree with that?

17

18

A. No, I wouldn't disagree.

19

20

Q. If I suggested to you further
that during the course of that interview with those
two officers you were recorded in the officer's note-
book as having said that you heard a particular 4A
team leader say: "It is for the team leader to settle
arguments"? Would that help you refresh your memory,

21

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as to any disagreement or disagreements that may have
taken place between members of the Phyllis Trayner
nursing team?

3

4

A. No.

5

6

Q. Do you recall making that remark?

7

A. No, I don't recall making that
remark.

8

9

Q. Do you recall one way or the

other?

10

A. I don't recall one way or the

11

other.

12

Q. It is possible that you did?

13

A. It is possible that I could
have.

14

15

Q. But you are not denying that
you did?

16

A. No I am not denying that I did.

17

18

Q. Do you have any recollection at
all of any incidents, of which you learned or any
incident you observed, during which a team leader was
heard to make a remark of that kind in Ward 4A?

19

20

A. I don't recall. It doesn't
bring anything back to my memory at all.

21

22

Q. Do you recall any discussion in
the fall of 1980 --

23

24

25



1
2 THE COMMISSIONER: Excuse me, just
3 one second. Yes, all right; I am sorry.

4 MS. CRONK: Q. Dealing with the
5 same time period, Miss Brownless, do you recall any
6 discussion in the fall of 1980 regarding the splitting
7 up of any of the Ward 4A nursing teams?

8 A. I recall a discussion of
9 splitting up teams, but I can't recall when it
happened.

10 Q. Can you tell me who was present
11 during the discussion?

12 A. I am not sure if it was Mary
13 Jane Halpenny, Susan Reaper, Bertha Bell.

14 Q. I am sorry, I am having trouble
15 hearing you. Speak up a bit.

16 A. I am not sure if it was Mary
17 Jane Halpenny, Susan Reaper, Bertha Bell and Phyllis
and myself.

18 Q. Do you recall anyone else being
19 present during the discussion?

20 A. There could have been more
21 people, but I don't recall.

22 Q. Do you recall, for example,
23 Mrs. Radojewski, the head nurse on Ward 4A, being
24 present?
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A. I can't say for sure she was there or not.

Q. Do you recall Susan Nelles was present?

A. I can't say if Susan was there or not.

Q. What was the nature of the discussion, as you remember it?

A. Anything I can recall is that the girls didn't want to be split up.

Q. Was the conversation focused on the splitting up of a particular team?

A. I can't recall.

Q. Do you recall why it was that the matter was raised at all?

A. No, I don't know why it was raised.

Q. What was your understanding, Miss Brownless, as to why there was a discussion being held about the splitting up of a team or teams on 4A?

A. This is in the fall?

Q. The discussion that you remembered, the one you are telling me about.

A. I can't recall why the discussion



1
2 was.

3 Q. You told me you cannot remember
4 exactly when it occurred. Can you tell me, can you
5 go this far, do you recall whether it was before
6 Christmas or after Christmas of 1980?

7 A. I think it was before Christmas.

8 Q. Do you recall whether it was
9 shortly after the death of Richard McKeil or Antonio
10 Adamo?

11 A. I couldn't narrow it down.

12 Q. I take it, however, -- can you
13 help me with this: do you recall the discussion taking
14 place shortly after you had started on the ward? We
15 know you started on the ward, effectively, on
16 September 8th or do you recall it being some time
17 after that?

18 A. It was some time after that.

19 Q. Are you telling me today, Miss
20 Brownless, that although you heard this discussion,
21 and I take it participated in the discussion or were
22 present when the discussion took place?

23 A. Yes.

24 Q. Is that right?

25 A. As best as I can remember, yes.

Q. That you did not have any



1
2 understanding as to why the matter was being raised?

3 A. No, I didn't have any under-
4 standing.

5 Q. Do you recall being interviewed
6 by Commission Staff on Tuesday, February 28th of this
7 year, in order to review the nature of the evidence
8 that you would be giving at these hearings?

9 A. Yes, I do.

10 Q. Do you recall your own lawyer,
11 Mr. Olah, being present at that meeting?

12 A. Yes, I do.

13 Q. And Miss Fineberg and myself
14 and the Commission Staff?

15 A. Yes, I do.

16 Q. Do you recall being asked about
17 this very issue at that meeting?

18 A. Yes.

19 Q. If I suggested to you that at
20 that meeting you indicated that the discussion which
21 you heard focused on whether or not Phyllis Trayner's
22 nursing team should be split up and that you under-
23 stood the matter was being raised, because of stress
24 that was then being experienced by the members of
25 that team. Does that accord with your recollection
of your discussion about it last week?



1

2

A. Yes, it does.

3

4

5

6

7

Q. A few moments ago you didn't remember why it was that you thought the matter had been raised, nor did you remember whether it was particular to any nursing team.

8

9

A. I am sorry, I didn't recall what we talked about the other day.

10

11

THE COMMISSIONER: I am sorry, what was it you didn't recall?

12

13

14

15

THE WITNESS: I didn't recall the conversation we had the other Tuesday.

16

17

THE COMMISSIONER: That is not the problem. The problem is that you don't seem to recall what happened. You did remember it last Tuesday, but you don't remember it now. This is what I am finding difficult. Did it happen?

18

19

THE WITNESS: Yes, it did. I just am nervous and I forgot about it.

20

21

THE COMMISSIONER: I am sorry?

THE WITNESS: I am just nervous and I forgot about it.

22

23

24

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THE COMMISSIONER: All right.
MS. CRONK: Q. I understand, at least my questions, Miss Brownless, I am not being critical in any way, but I do have to understand



1
2 whether there was some basis for you to say last
3 week, as you have told me you did, that you remembered
4 this conversation with more detail than you have told
5 us this morning that you do. Do you have, with the
6 benefit of the discussion last week recalled to your
7 mind, do you have a clear recollection of what
8 specifically was being discussed amongst those nurses
on this occasion?

9 A. Not a clear recollection of what
10 was being discussed. The only thing I can remember
11 is there was discussed that there was stress on the
12 team.

13 Q. Was it a particular team in
14 respect of whom it was felt that stress had to be
dealt with?

15 A. Nurse Trayner's.

16 Q. Why did you understand that that
17 particular team was under stress?

18 A. I can't recall why they were
19 under a lot of stress.

20 Q. You told me previously that the
21 first time that you became aware that there had been
22 a large number of arrests and deaths on the wards
was after the death of Jordan Hines?

23 A. That's correct.
24
25



1
2 Q. Do you now, with the benefit of
3 that discussion in mind, have any recollection of
4 having discussed with any of the nurses on Ward 4A
5 during the fall of 1980 the deaths that had been
6 occurring on those wards?

7 A. Not the number of deaths, no.

8 Q. Can you tell me what the result
9 of the discussion was as you understood it?

10 A. That the team would have been
11 broken up. That is all I can remember.

12 Q. I believe you started by telling
13 me that you can recall that the members of the team
14 did not wish to be split up; is that correct?

15 A. That is correct.

16 Q. Were there any nurses present
17 during that discussion who expressed the view that it
18 would be advisable to break the team up?

19 A. I can't recall if they were
20 expressed that they wanted to be broken up.

21 Q. But you have a distinct
22 recollection that some, if not all, didn't want to?

23 A. That is correct.

24 Q. Other than that one discussion
25 did you, at any subsequent time, participate in any
discussion about the breaking up the nursing team on



1

2

Ward 4A?

3

A. No.

4

Q. Was it brought to your attention

5

that there were discussions about the matter continu-

6

ing after you had had your own discussion with those
women?

7

A. Could you repeat the question?

8

9

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Q. Perhaps I put it awkwardly.

Did you ever learn again from anyone that there were similar discussions ongoing with other nurses on the ward about whether a particular team should be broken up?

A. No, I never heard of any other discussions.

Q. Was that then the only time of which you are aware when the matter was discussed?

A. That's correct.

Q. Did you ever raise it or discuss it with your head nurse Mrs. Radojewski?

A. I don't recall, I don't think so.

Q. Could we turn then to the death of Janice Estrella. She died on January 11th, 1981 at approximately 3:22 in the morning. Could we start with the Ward 4A assignment books. Mr. Registrar, could you show the witness please Exhibit 32A. Could you turn please to Tab 13, page 38 if you would please, Miss Brownless.

A. I have it.

Q. Do you have that?

A. Yes.



1
2 Q. All right. I direct your
3 attention to the duty assignments for the long night
4 shift during the night of January the 10th. As I
5 read it Mrs. Trayner was in charge that night and
6 had no patient assignments, is that correct?

7 A. That's correct.

8 Q. And if we look to the evening
9 entries, that is, from 3 in the afternoon until 11
10 at night we see that Janice Estrella during that
11 period of time had been in Room 423 on constant
12 nursing care?

13 A. That's correct.

14 Q. And at that point she had
15 been in the care of Miss Ganassin?

16 A. That's correct.

17 Q. And then starting at 7:15,
18 the shift change for the long night, she appears to
19 have been in the care of Mrs. Sui Scott again on a
20 constant nursing care basis?

21 A. That's correct.

22 Q. All right. And your own
23 assignments that evening, you had four children in
24 Room 418?

25 A. That's right.

Q. And Mrs. Christie had two



1

2

children in Room 425, two in Room 421 and two in
426, is that correct?

3

4

A. That's correct.

5

6

Q. Am I correct in my under-
standing that Room 423 was used on Ward 4A as an
isolation room?

7

8

A. That's correct.

9

Q. It was at that time a one
bed room?

10

A. It still is.

11

12

Q. All right. So that the only
child in that room that night would have been Janice
Estrella?

13

14

A. That's correct.

15

16

Q. And because she was on
constant nursing care Mrs. Scott would have had no
other patients assigned to her that evening?

17

18

A. That's correct.

19

Q. Nor would any other nurses
have had any other patients in that room?

20

21

22

A. That's correct.

Q. Could I ask you to turn now
to Tab 14, which is the 4B assignment book for that
night at pages 6 and 7.

23

24

25

A. I have that.



1

2

Q. Do you have that. The 4B

3

team appears to have, on the long night shift, appears

4

to have comprised of Mrs. Bell, Bertha Bell as the

5

nurse in charge and she also had one patient in

6

Room 433, is that correct?

7

A. That's correct.

8

Q. Miss Parcel's who had three
children in one room.

9

A. That's right.

10

Q. Miss Harwood Jones who had
five children in three different rooms.

12

A. That's correct.

13

Q. And Miss Frise three children
in one room?

14

A. That's correct. It looks
like Debbie Harwood Jones had another one.

16

Q. I am sorry, that was what I
was counting for a total of five.

18

A. Oh, I am sorry.

19

Q. Is that right?

20

A. Yes.

21

Q. When you came on duty on the
night of January 10th, Miss Brownless, and I

22

recognize that your patients were in Room 418 and

23

you were not assigned to the care of Janice Estrella

24

25



1

2

but were you informed when you came on duty that
night that she had had an arrest some four days
earlier on January the 7th?

5

A. I don't recall.

6

Q. Were you aware of it that
evening?

7

A. I can't say for sure.

8

9

Q. Were you aware that night
that her digoxin levels over the preceding days
had been elevated on several occasions and that as
a result her digoxin had been ordered discontinued?

10

11

12

A. I wasn't aware of that.

13

14

Q. At any point prior to
January 10th during the course of her last
admission had you been assigned to the care of
Janice Estrellá?

15

16

A. Before January 10th?

17

Q. Yes.

18

A. I admitted Janice Estrella.

19

Q. All right.

20

A. And I may have looked after
her once or twice.

21

22

Q. Well, do you recall now what
her condition was felt to be at the beginning of
that shift on January 10th?

23

24

25



Brownless, dr.ex.
(Cronk)

1

2

A. I can't recall.

3

Q. Do you recall what the

4

condition of your own patients were that evening?

5

A. They were fairly stable.

6

Q. But I take it, quite apart

7

from the stability of their condition that evening,
in the normal course you have told us that you would

8

not as a registered nursing assistant have been

9

assigned to children perceived to be very sick.

10

Do I have that correctly?

11

A. That's correct.

12

Q. Do you recall having seen

13

Janice Estrella the night of January 10th prior
to her arrest?

14

A. Yes, I do.

15

Q. All right. Can you tell me

16

please when you first saw her that night.

17

A. It was some time before

18

midnight, I can't say exactly what time.

19

Q. All right. What makes you

20

think it was before midnight?

21

A. I recall going in the room

22

and asking Sue if she was okay, if she needed anything,
briefly.

23

Q. All right. You are referring

24

25



1

2

now to Sui Scott?

3

A. That is correct.

4

5

6

Q. All right. And how did it come about that you went into 423, were you seeking merely to speak to Mrs. Scott or did you have some function to perform in the room?

7

8

A. She was all alone in the room and I thought I would ask her if she needed anything.

9

10

Q. What was Mrs. Scott doing when you were in the room?

11

12

A. The only thing I can recall, she was standing at the bedside; I can't recall what she was doing.

13

14

Q. Well, did you actually go into the room?

15

16

A. Just at the doorway, I didn't go all the way in.

17

18

Q. Was there anyone else in the room other than Mrs. Scott?

19

20

21

A. I can't recall.
Q. You have said that you can't recall specifically what Mrs. Scott was doing, she was standing at Janice Estrella's bedside?

22

23

24

25

A. That's correct.

Q. Was she administering a



1
2 medication of any kind to the child while you were
3 there?

4 A. I don't think so, I can't
5 recall.

6 Q. Do you recall whether or not
7 you had taken your first coffee break before or
8 after you saw Mrs. Scott that night?

9 A. I can't say.

10 Q. Did you go into the room and
11 speak to Mrs. Scott?

12 A. I can only remember standing
13 at the doorway.

14 Q. Do you recall when you did
15 in fact take your own coffee break that night?

16 A. No, I don't.

17 Q. When did you usually do so?

18 A. Before midnight, usually
19 around 10:30.

20 Q. You had four patients in 418
21 and you have told us that their condition would have
22 been relatively stable. Would it be fair of us to
23 assume that you did take your first break somewhere
24 at approximately 10:30 that evening?

25 A. That's correct.

Q. Do you know when Sui Scott



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took her first break that night?

A. No, I don't.

Q. We know that she was on constant nursing care and we also know that Mrs. Trayner was the nurse in charge on the ward that evening. Do you know who relieved Mrs. Scott for her first coffee break?

A. I think Phyllis Trayner did.

Q. All right. You recall that she did so?

A. No, I don't recall.

Q. All right. Mrs. Scott testified at the preliminary hearing, and this is found, sir, at Volume 6, page 1293 at the preliminary hearing, that she took her first coffee break after 10 or 10:30 p.m. and that she was gone for 20 or 30 minutes. Thinking back to that night and where you were before midnight, do you have any reason to disagree with that evidence by Mrs. Scott?

THE COMMISSIONER: Well, she may know nothing about it at all, Miss Cronk. I would be interested in knowing, do you have any recollection of the matter at all?

THE WITNESS: I don't recall seeing Sui at all.



1
2
3 THE COMMISSIONER: Well, we are going
4 to have her here. There may be some reason for it,
5 I don't know, but we are going to have Mrs. Scott
here?

6 MS. CRONK: Yes we are, sir. The
7 purpose is simply this. You have told us that you
8 did see Mrs. Scott because you went to see if she
needed anything?

9 A. That's correct.

10 Q. And you told us that you
11 think was before midnight although you can't be more
12 accurate as to the time?

13 A. That's correct.

14 Q. Do you recall at any time
15 having had your break with Sui Scott at the nursing
station before midnight that night?

16 A. I don't recall who I took
17 my break with.

18 Q. Do you know when Mrs. Scott
19 took her lunch or supper break that night?

20 A. No, I don't.

21 Q. Do you know who relieved her?

22 A. I presume Phyllis but I can't
say for sure.

23 Q. Again, are you presuming that
24
25



1

2

because Mrs. Trayner was the nurse in charge?

3

A. That's right, and Mrs.

4

Christie and I were fairly busy.

5

Q. Mrs. Christie is a registered

6

nursing assistant, as are you?

7

A. That's correct.

8

Q. And in the normal course of

9

events you have told us that registered nursing
assistants do not relieve constant nursing care

10

nurses for fixed breaks?

11

A. That's correct.

12

Q. Do you however recall relieving

13

personally Mrs. Scott at any time that night even
if for only a few moments?

14

A. No, I didn't relieve her for

15

a few moments.

16

Q. At any time prior to midnight

17

on January 10th do you recall seeing anyone in

18

Janice Estrella's room other than Sui Scott?

19

A. I don't recall.

20

Q. Do you recall for example

seeing Phyllis Trayner in her room prior to midnight?

21

A. I can't say for sure.

22

Q. Well, to help you with that,

23

Miss Brownless, Mrs. Scott testified further at the

24

25



1
2 preliminary hearing, and this is found, sir, Volume
3 6, page 1391, starting at page 1391 and continuing
4 to 1392 that when she went out of Janice Estrella's
5 room for her first coffee break that evening you were
6 in Room 423 talking to Phyllis Trayner and that you
7 were both there when she left. Do you recall having
8 had a discussion with Phyllis Trayner in Janice
9 Estrella's room before midnight that night?

10 A. No, I don't.

11 Q. Other than the one occasion
12 which you have described when you have told us that
13 you stood at the doorway and spoke to Sui Scott, do
14 you recall being in Room 423 again that night prior
15 to Estrella's arrest?

16 A. No, I don't recall being in
17 the room.

18 Q. Do you recall who you had your
19 own dinner break with that night?

20 A. No, I don't.

21 Q. Do you recall where you took
22 it?

23 A. In the back of the conference
24 area where 4B gets report.

25 Q. Was there anything special
about the dinner arrangements that night amongst



1

2

the nurses who had been working?

3

A. No, no there wasn't.

4

Q. Do you remember for example

5

whether or not food had been ordered in by the nurses
on 4A and 4B?

6

A. I don't recall.

7

Q. Do you remember at all seeing

8

Sui Scott during your supper break at the nursing

9

station?

10

A. No, I don't remember.

11

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Q. Do you recall seeing Mrs.

Trayner and Janice Estrella in the room at any time after midnight?

A. I don't recall.

Q. Once again, Ms. Brownless, Mrs.

Scott testified at the preliminary hearing; it is found, sir, at page 1295-1296; that when she took her lunch break which she said was around 1:30 a.m. on January 10th, Phyllis Trayner relieved her and that you, she thought, perhaps had been in the room during that lunch or supper break, again speaking to Phyllis Trayner. Do you recall being in the room after midnight with Phyllis Trayner?

A. I don't recall.

Q. You don't have any recollection of being in Room 423 at all prior to Janice Estrella's arrest, other than the one occasion when you observed Sui Scott and asked her if she needed anything?

A. That's correct.

Q. What did Mrs. Scott say to you when you asked her if she needed anything?

A. She said that everything was fine.

Q. Did she ask you to get her a coffee?

A. No.



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Q. Did she ask you to relieve her
for a moment while she went and got a coffee?

4

A. No.

5

6

7

Q. Do you recall at any point that
night, Ms. Brownless, passing Room 423 and seeing it
empty in the sense of no nurse being there, although
Janice Estrella was there?

8

9

10

A. I had no reason to go down the
hall that way because all my patients were in Room
418.

11

12

13

Q. Just to put that into context,
your patients were in 418, which is the six bed
infant room immediately adjacent to the nursing station
on Ward 4A?

14

15

A. That is correct.

16

17

Q. So, Janice Estrella was in the
isolation one bedroom further down the hall, Room 423.

18

19

20

A. That's correct.

21

22

23

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Q. So in the normal course of
events if you were not looking for Sui Scott, or
looking for another nurse, you would not have had any
reason are you saying to go down the hall?

A. That is correct.

MS. CRONK: Would you show the witness,
please, Mr. Registrar, Exhibit 91 which is Janice



1
2 Estrella's medical chart.

3 Q. I would ask you to turn, Ms.
4 Brownless, if you would please to Page 53.

5 A. I have it.

6 Q. Earlier in the evening, before
7 midnight, when you had gone to see if Mrs. Scott
8 required anything, or you could help her in any way,
9 you told us that she was standing at the bedside of
10 Janice Estrella, although you can't recall what she
was doing, is that correct?

11 A. That is correct.

12 Q. Do you remember observing at
13 that time that Janice Estrella had an I.V. running?

14 A. I can't say for sure if she had
15 one or not.

16 Q. Did you notice at the time
17 whether or not there was a sticker attached to her
buretrol?

18 A. I can't say.

19 Q. I ask you to look at the medica-
20 tion record, it appears that at 10:00 on January 10th
21 a dose of aldactazide was administered intravenously
22 by Ms. Scott to Janice Estrella; do you see that, at
2200 hours?

23 A. Aldactazide intravenously?
24
25



1
2 Q. I'm sorry, orally, you are quite
3 correct; at 2200 by Ms. Scott?

4 A. I see her signature.

5 Q. And similarly, according to the
6 time entries on the medication record a dose of
7 ampicillin should have been administered at midnight
8 intravenously, but according to the time entry above
9 Mrs. Scott's signature it appears to have been given
10 at 1:30 in the morning and she has signed off on that
medication, do you see that?

11 A. Yes, I do.

12 Q. Did you see either of those
13 medications being given to Janice Estrella?

14 A. No, I didn't.

15 Q. Did you at any time that evening,
16 prior to her arrest, at any time, observe anyone
administering a medication to that child?

17 A. No, I never observed anyone giving
18 any medication.

19 Q. Did you yourself do so?

20 A. No, I didn't give any medica-
21 tions.

22 Q. Did you at any point that night
observe anyone feeding Janice Estrella?

23 A. I don't recall.
24
25



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Q. When did you first learn that
Janice Estrella's condition had deteriorated?

4

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A. When I was standing at the nursing
station I heard Sui call out and someone was pushing
the crash cart to the room and instructed me to call
a Code 25 and I did so.

7

8

Q. Do you recall who was at the
nursing station with you at the time?

9

10

11

A. No, I don't.

Q. Do you recall who asked you to
call the Code 25?

12

13

14

15

A. No, I don't.

Q. Prior to hearing someone ask you
at the nursing station to call the Code 25, had you
heard the emergency buzzer sound in Janice Estrella's
room?

16

17

A. No, I didn't, I just heard Sui
call out.

18

19

20

Q. What did she call out?

A. I don't recall. I think she
called out either, "Phyllis" or "25", I can't say
for sure.

21

22

23

24

25

Q. Prior to that time do you recall
having heard a Code 23 being called for Janice Estrella?

A. No, I don't.



1
2 Q. And I take it once you heard
3 someone asking for a Code 25 you told us that you
4 called it.

5 A. That's right.

6 Q. What did you do then?

7 A. After I called the 25?

8 Q. Yes.

9 A. I went down to the room to see
10 if they needed any help, or if they needed anything.

11 Q. That is Room 423?

12 A. That's correct.

13 Q. Who was in the room at the time?

14 A. I don't recall.

15 Q. Was Mrs. Scott there?

16 A. I can't say for sure if she was
17 there.

18 Q. It is likely that she was if she
19 called out for the Code 25?

20 A. That's correct.

21 Q. You don't recall who else was
22 there?

23 A. That's right.

24 Q. Did you stay in the room during
25 the resuscitation?

A. I am not sure if it was this arrest



1
2 or another arrest, but Lynn Johnstone asked me if
3 I wanted to write, during the arrest, record, and I
4 said I didn't want to because I had never done it
5 before.

6 Q. And by record do you mean keep
7 a list of the drugs that were administered during
8 the resuscitation?

9 A. That's correct.

10 Q. Was there any other recording
11 that a nurse or a registered nursing assistant would
12 do during the course of an arrest, other than doing
13 that list?

14 A. No.

15 Q. I take it if it was this occasion,
16 you didn't do it.

17 A. That's correct.

18 Q. Do you recall having stayed in
19 the room for more than a minute or two?

20 A. I can't say how long I stayed
21 in there, it was probably just for a minute or two
22 and then I went out and looked after the children on
23 the ward.

24 Q. Do you recall bringing anything
25 into the room when you went in?

A. I possibly took down the chart,



1
2 the sharp box, the sharp box and any requisitions
3 I expected they would need for the arrest.

4 Q. I am sorry, the chart that you
5 referred to, the chart, that would be Janice
6 Estrella's medical records?

7 A. That's correct.

8 Q. Do you recall having taken that
9 into the room?

10 A. Not for sure, but I usually did
11 do it.

12 Q. And you referred to something
13 called the sharp box?

14 A. That's correct.

15 Q. What is that?

16 A. In the med. room there is a
17 disposal sharp tray and during an arrest instead of
18 the nurses when they are drawing up the drugs,
19 and throwing the needles into the garbage, they
20 took the tray and put it there on a chair and they
21 put all the needles and the syringes in there so it
22 wouldn't go down the garbage and housekeeping wouldn't
23 hurt themselves when they picked up the garbage.

24 Q. Do you recall staying in the
25 room when the physicians arrived and when the
resuscitation effort was undertaken, or did you leave



1

2

the room?

3

A. I left the room.

4

Q. For what purpose?

5

A. To check the children on 4A/B.

6

Q. Did you go back into the room
again before Janice Estrella was pronounced dead?

7

A. I don't recall.

8

9

Q. Did you assist in any way with
respect to the child, or the procedures that were
undertaken with respect to Janice Estrella after she
had been pronounced dead?

10

11

A. I didn't assist at all.

12

13

Q. Did you help, for example, to
prepare her for the morgue?

14

A. I don't think so.

15

16

Q. Did you learn that night from
any source that a blood sample was to be taken on
Janice Estrella for a digoxin level?

17

18

A. No, I was not aware.

19

20

Q. When did you learn for the first
time that a blood sample had been taken and digoxin
test done on that child, after her death?

21

22

A. After Sue was arrested.

23

24

Q. When you say after Sue was
arrested you are referring to the arrest of Susan

25

25



1
2 Nelles, was that for Justin Cook or was it the
3 arrest for Janice Estrella?

4 A. The arrest for Janice Estrella.

5 Q. And that is the first time that
6 you learned that a digoxin test had been done on
7 Janice Estrella after she died?

8 A. That's correct.

9 Q. Were there any discussions amongst
10 any of the nurses on the floor that night after Janice
11 Estrella died as to why the child had died?

12 A. Not to my knowledge.

13 Q. Do you recall there being concern
14 amongst the nurses that she had arrested, was not
15 able to be resuscitated, and in fact had died?

16 A. I don't recall any concern.

17 Q. Do you remember the nurses being
18 upset by her death, or do you recall any reaction one
19 way or the other?

20 A. Everybody is always upset after
21 an arrest. I recall some of the nurses saying at
22 least Janice would be a lot more comfortable now.

23 Q. Do you recall anyone, be it a
24 nurse or a physician, that night after her death
25 expressing surprise that she had died, or concern
that she had died when she did?



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A. Not to me.

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A. Not to me.

Q. Was the possibility of the
involvement of digoxin ever mentioned to you in con-
nection with Janice Estrella prior to the arrest of
Susan Nelles for her death?

A. No, it wasn't.

Q. At any point that night, Ms.
Brownless, and I ask you to think back over the events
that took place during that shift, did you observe
anything that you regarded as being unusual or out
of the ordinary with respect to Room 423, or
Janice Estrella, or any of the procedures on the
floor that night?

A. Nothing seemed unusual.



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A. Nothing seemed unusual.

Q. Is there any other information you can provide to the Commissioner that might assist him with respect to the events that occurred that night involving Janice Estrella?

A. I don't think so.

Q. The next step on the wards, which I understand you may have had some involvement with, is that of Bruce Floryn, who died on February 7th, 1981, at this time on Ward 4B at approximately 6:20 in the morning. As I understand it, you worked a 12-hour long day at approximately 6:20 in the morning. As I understand it, you worked a 12-hour long day on February the 6th, that is the day before he died, and you also worked a 12-hour long day on February 7th. Is that correct?

A. That is correct.

Q. Bruce Floryn came in for his last admission to the Hospital on January 27th, 1981, according to the information provided to the Commission. During his last admission did you at any point participate in his medical care?

A. Not when he was on 4B, no, I did not.

Q. Had you come to know him during



1

2

the course of his prior admissions?

3

A. Yes I had.

4

Q. Had he previously been a
patient on 4A?

5

6

A. Yes, he had.

7

8

Q. Do you recall now what his
condition was considered to be on February 6th,
the day before he died?

9

A. He was quite sick.

10

11

12

Q. Do you recall having had
a discussion with any of the nurses on 4B or for
that matter on 4A, as to the nature of his condition?

13

A. I don't recall.

14

15

16

Q. Do you have the impression --
I'm sorry, what was your impression at the end of
that shift, with respect to his condition at the end
of the day if, indeed, you had one?

17

18

A. I don't recall. I am sorry,
I don't recall.

19

20

21

22

Q. Do you recall any of the
events during the last several days of his life
that related to Bruce Floryn? Was there anything
you regarded as unusual or out of the ordinary that
took place?

23

24

25

A. I know some of the nurses came



1
2 in and worked extra to look after him so he wouldn't
3 have to have a relief nurse. I am not sure if we
4 were short staffed or not, which I thought was quite
5 nice.

6 Q. When you say some of the nurses
7 worked extra, what do you mean, they worked over-
8 time?

9 A. That's right, on their days
10 off.

11 Q. Do you know why they did that,
12 aside from compassionate grounds? Is there a reason
13 they were doing that?

14 A. Just that Bruce was very
15 sick.

16 Q. Is it your understanding
17 that he may have been dying?

18 A. That is correct.

19 Q. When you came into work on
20 February 7th, I take it, you would have learned of
21 his death. You came in on the morning shift and
22 he died really less than an hour before shift change
23 that morning?

24 A. That's right.

25 Q. Do you recall being told
that he died?



1

2

A. Yes.

3

Q. Do you remember any discussions

4

with any of the nurses on 4A or 4B -- remember that
is where he died -- that morning, as to his death?

5

A. I just remember coming in

6

and all the girls were crying and saying that Bruce
had died. I don't recall any other discussions.

8

Q. Was it your impression that

9

any of the nurses who had been there were concerned
or was confused as to why he had died?

10

A. I don't think so.

11

Q. Do you remember seeing Dr.

12

Su on the ward that morning?

13

A. No, I don't.

14

Q. Do you remember seeing Dr.

15

Olley?

16

A. No, I don't.

17

Q. Were you made aware that

18

morning that there had been any kind of a problem
or expression of dissatisfaction by Dr. Sue

19

with the nurses concerning what had gone on during
the resuscitation of the child?

20

21

THE COMMISSIONER: I thought this

22

child was not resuscitated. Are we talking about

23

Floryn?

24

25



1
2 MS. CRONK: Yes, we are, sir. I
3 will check that.

4 THE COMMISSIONER: Isn't this the
5 19 year old boy?

6 THE WITNESS: He was 19.

7 THE COMMISSIONER: Yes. I think he
8 was "Do not resuscitate".

9 MS. CRONK: You might be right, sir.

10 MR. ROLAND: Sir, he had a "Do not
11 resuscitate" order. He was in the C category by
12 the CDC. I really don't know why we are particularly
13 interested in this line of questioning. There may
14 have been some dispute or misunderstanding between
15 Dr. Su and the nurse, but it doesn't bear at all
16 on the working of this inquiry, they are sort of
17 decisions you have to make.

18 THE COMMISSIONER: I will say that
19 I am with you, but sometimes I have to let it go
20 on, because I find out after, when I can't see any
21 relevance, that it turns out to be relevance, so
22 I leave it with you.

23 MS. CRONK: Sir, Mr. Roland is
24 entirely correct and correct me if I was suggesting
25 it was a resuscitation. I guess I had forgotten that
he was a "Do not resuscitate." The evidence you



1
2 have heard to date, sir, is that a physician who
3 was present at the time of the arrest of that child
4 suggested that his death may, in some facet, have
5 been connected with the medications he had received.
6 This nurse was on the ward that morning. I think
7 it very relevant for you, sir, to know whether there
8 was any basis to that at all. You have heard Mrs.
9 Radojewski's evidence on the point.

10 THE COMMISSIONER: I have doubts of
11 that if you have allies -- you have allies here and
12 I am going to receive argument on it.

13 MS. CRONK: There are really only
14 two questions left on the point in any event, sir.

15 THE COMMISSIONER: Yes, all right.

16 MS. CRONK: Q. I was asking you about
17 the discussions that morning. Were you informed at
18 any time on February 7th, when you came into work
19 as to any suggestion by any physician that there might
20 have been a problem with the medications that the
21 child had received before he died?

22 A. I wasn't aware.

23 Q. Was it suggested to you, at
24 any time, by any one that any drug may have been
25 involved in causing the child's death?

A. I wasn't aware.



Q. Okay.

MR. ROLAND: Just before my friend leaves that. She left the implication, I think, that Dr. Su made that allegation. We don't know that yet. I haven't talked to Dr. Su. I don't think my friend has. What we have is a note made by Mrs. Radojewski about a conversation she had with two team leaders, who she thinks she -- I think she has identified one as probably Phyllis Trayner and the other I can't remember, but I think she was able to identify them, that they recall receiving some complaint from Dr. Su about that. It is very far from Dr. Su actually saying that was his complaint.

THE COMMISSIONER: Yes.

MR. ROLAND: So we haven't got that kind of evidence.

THE COMMISSIONER: Certainly this witness knows nothing about it.

MS. CRONK: That's right.

THE COMMISSIONER: So as far as I am concerned I can't speak for Mr. Roland's electronic jury, except to say it is absolutely worthless as evidence of anything having happened so far. That is the best I can do.

MR. ROLAND: I appreciate that.



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2
3 MS. CRONK: I am not going to argue
4 the matter at all.

5 THE COMMISSIONER: All right.

6 MS. CRONK: To return to the next
7 child then, Miss Brownless, David Leith. It is
8 my understanding he died on March 8th, 1981 at
9 10:30 a.m. and you had worked long days, 12 hour
10 shift on that day; is that correct?

11 A. That's correct.

12 Q. If you turn to the 4A
13 assignment book. You should still have that,
14 Exhibit 32A, Tab 13.

15 MR. OLAH: Page 148 and 149.

16 MS. CRONK: Thank you, Mr. Olah.

17 Q. Do you have that?

18 A. Yes, I do.

19 Q. As I read the entries for
20 the day shift, the long day shift, on March 6th,
21 Miss Brownless, you had one patient in Room 423
22 at the start of the day and three in Room 421; is
23 that correct?

24 A. Yes, that's correct.

25 Q. David Leith was also shown
in Room 423 at the start of the shift, but in the
care of Miss Partridge. Do you see that?



1

2

A. Yes, I do.

3

Q. Do you recall now whether

4

your patient, the patient, Gold was, in fact, in

5

the same room as David Leith at the beginning of the

6

shift?

7

A. I moved him out, so we could
move David Leith into 423.

8

Q. When did that take place?

9

A. Some time in the morning;

10

I can't recall exactly what time.

11

Q. Mrs. Radojewski was in charge

12

that day and Mrs. Mandell was the team leader?

13

A. That is correct.

14

Q. Miss Cooney was also on duty

as was Miss Hendri?

15

A. That's correct.

16

Q. Did you at any point after

17

having come on duty, I take it at approximately

18

7 o'clock in accordance with your normal routine?

19

A. That's correct.

20

Q. Did you at any point from 7

21

o'clock in the morning until the time the child died

had an occasion to see David Leith?

22

A. Other than transferring him

23

to the room, no.

24

25



1
2 Q. Do you recall what his
3 condition was when you transferred him, I take it
4 into Room 423 or out of Room 423?

5 A. Into Room 423.

6 Q. Do you recall what his
7 condition was at that time?

8 A. No, I don't.

9 Q. When did you first learn that
10 the child's condition had deteriorated?

11 A. After he had died.

12 Q. Were you present during his
13 arrest?

14 A. No, I wasn't.

15 Q. Do you remember being asked
16 to come into the room at any time to assist in any
17 way?

18 A. No, I don't remember.

19 Q. At any time that morning after
20 you had come on shift do you recall seeing anyone
21 administer any medication to Davied Leith?

22 A. I don't recall.

23 Q. Do you recall seeing anyone
24 feed him at any time that morning?

25 A. No, I don't.

Q. Do you recall whether or not



1
2 after his death there were concerns expressed amongst
3 the nursing staff as to why he had died or as to the
4 manner in which he had died?

5 A. I don't remember any concerns.

6 Q. By any nurses or any physicians?

7 A. That is correct.

8 Q. Return then to Jordan Hines
9 who died the very next day, March 8th, on Ward 4B.
10 It has been suggested here in prior evidence that
11 you may have known this patient, particularly, because
12 you were acquainted with his family; is that correct?

13 A. That is correct.

14 Q. Jordan Hines was admitted on
15 March 6th, 1981, shortly after midnight. As I
16 understand it on March 6th you worked a 12-hour long
17 day and on March 5th you had the day off. Is that
18 correct?

19 A. That is correct.

20 Q. When you came in on March
21 6th then that would have been the first opportunity,
22 at about 7 o'clock in the morning, when you could
23 have seen Jordan Hines after his admission to the
24 Hospital?

25 A. That is correct.

Q. Do you recall seeing him that



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day?

A. I don't recall what time
that day, but I recall seeing him.

Q. How did that come about?

A. I am not sure how I found out
he was in the Hospital, but I went down to see him
in 438 and I remember seeing his parents in the room.

Q. 438 is on 4B?

A. That is right.

Q. He had been admitted directly
in 4B?

A. That's right.

Q. What was his condition when
you went into his room and saw his parents there?

A. He was in his mother's arms
and very stable. He was connected to a cardiac
monitor and had an IV.

Q. Did you personally observe
the child at that time?

A. What do you mean by observe?

Q. Did you go and look at the
child?

A. I looked at him, yes.

Q. You told us he seemed relatively
stable?



1

2

A. That is correct.

3

4

Q. Is it your impression or your understanding at any point that day that his condition was regarded as being critical?

5

6

A. I didn't have that impression at all.

7

8

MR. TOBIAS: Would you repeat that.

9

THE WITNESS: I didn't have that impression at all.

10

11

MS. CRONK: Q. You said he had an IV running?

12

A. That's correct.

13

14

Q. Was the cardiac monitor hooked up to the child at that time?

15

A. Yes.

16

Q. Did you notice an apnea monitor hooked up to the child?

17

A. I noticed the apnea monitor.

18

It couldn't have been connected up because Mrs. Hines was holding him.

19

20

Q. We heard a great deal about apnea monitors, but I am not sure we actually had a physical description of how they worked. Could you explain that to us briefly?

21

22

23

A. It is a little machine that

24

25



1
2 sits on the shelf and it has an on and off switch
3 on it. On the back it has a rate of setting of
4 10, 15 and 20 seconds and it has a cord that goes
5 to the bed that looks like a little heating pad that
6 sits under the blanket and when you lay the child
7 on the bed every time they breathe it sets the monitor
8 to blink and there is an arm that goes over and shows
9 you the respiratory rate which is inaccurate because
10 it goes up and down. When the child stops breathing,
11 whatever the setting is at the back, if it is set
12 at 20 seconds the alarm will go off.

12 Q. Assuming that the monitor was
13 set at 20 seconds then if a child stopped breathing
14 for 20 seconds is that when it would go off?

14 A. That's correct.

15 Q. And if I understood what you
16 said, it is like a heating pad in which the child
17 would be sitting or laying when the child was asleep
18 or in his bed?

19 A. That's right.

20 Q. So if the child rolled over
21 or moved is it possible that he or she could roll
22 off the apnea pad so that there would be no recordings
23 being made by the apnea monitor?

24 A. And the apnea monitor would go
25



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2

off, that's right.

3

4

The monitor would go off if
the child was no longer on the pad?

5

That is right.

6

That would obviously be because
the machine wasn't recording any breathing?

7

That's correct.

8

9

Do you recall at any time
on March 6th when you were in Jordan Hines' room
observing anyone administer any medications of any
kind to him?

10

11

I don't recall.

12

13

Would it be fair of me to
suggest, Miss Brownless, that because of your
acquaintance with his parents you went out of your
way to see Jordan Hines over the course of his
admission and stay in the Hospital?

14

15

16

17

That's correct.

18

19

Q. And that you may have been
in and out of his room several times although he
was a patient on 4B on March 6th?

20

21

A. That's right.

22

23

Q. Did you at any point that
day note anything unusual about his condition, his
treatment or the activities of any of the nurses

24

25



16 1
2 who were involved in his care?

3 A. Nothing unusual.

4 Q. We know that you worked
5 again on March 7th, this time a 12-hour long day.
6 I'll ask you to look at the assignment book for this
7 day, Tab 13, page 150.

8 A. I have it.

9 As I understand it on March
10 7th your assignments, in fact, were not consistent
11 in the sense that you had particular patients until
12 3 o'clock that day and then other patients after
13 3 o'clock. Do I have that correctly?

14 A. That's correct.

15 Q. Dealing with your patients
16 in the first part of the shift, that is from 7
17 o'clock in the morning until 3 o'clock, you had
18 three patients in Room 421 and one in 426. Do
19 I have that correctly?

20 A. That's correct.

21 Q. Then at 3 o'clock according
22 to the Ward 4A assignment book, you were transferred
23 to Ward 4B to relieve until 7 o'clock that night.
24 Is that correct.

25 A. That's correct.

Q. Could I ask you to turn to



1

2

Tab 14 which is the Ward 4B assignment book, page
118.

3

4

A. What page?

5

Q. 118.

6

A. I have it.

7

Q. These are the entries as to

the nurses on duty on 4B during the day on March

8

7th. Do you see that?

9

A. Yes, I do.

10

Q. And according to the entries

11

in this book you were serving as relief, as I suggested,

12

from 3 o'clock on. You had one patient in Room

13

437, two in Room 414 and one in Room 431, which was
Jordan Hines?

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A. That is correct.

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Q. All right. So that his care was assigned to you from 3:00 until 7:15 on March 7th, do I have that correct?

A. That's correct.

Q. All right. During the course of that afternoon and early evening, Ms. Brownless, did you at any time administer any medications to Jordan Hines?

A. No, I didn't.

Q. Did you at any time observe that he had had an apnea spell?

A. I didn't observe any.

Q. Could I ask you -- I am sorry, Mr. Registrar, could you show the witness please the Jordan Hines medical chart, Exhibit 103. While the Registrar is getting the chart, Ms. Brownless, could I ask you this. When you took over care of Jordan Hines at 3 o'clock would you have received a report from the nurse who had been responsible for him during the day, the earlier part of the day?

A. Either the nurse who looked after him or the team leader, I can't recall who gave me the report.

Q. All right. And what were you told about his condition when you took report at



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approximately 3 o'clock?

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A. I can't recall everything but he was fairly stable at the time and that he was connected to a cardiac monitor, an apnea monitor and an IV, that's all I can recall.

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Do you recall any expression of concern either by the team leader or the registered nurse who gave report to you that his condition was at risk in the sense that he might deteriorate easily and that he should be closely watched, anything of that kind?

No, I didn't receive any of that information.

Q. Did you as part of your routine and caring for the child that afternoon review not only his Cardex but his medical chart?

A. I remember going over his Cardex but I can't remember going over his chart.

Q. Well, did you know on March 7th before you left the hospital that the child had an anatomically normal heart?

A. I can't recall when I found out.

Q. All right. It may have been that day or it may have been later?



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A. That's correct.

Q. Could I ask you to turn to page 83 of the medical chart?

A. I have it.

Q. I direct your attention to the medications that had been given to the child on March 7th while you were there, at least on duty, that is between 3 and 7 o'clock. According to the medication treatment record, at 4 o'clock that afternoon he received a dose of ampicillin intravenously; do you see that?

A. Yes, I do.

Q. Am I correct that it appears to have been signed off by Ms. Harwood-Jones?

A. Yes, you are.

Q. Now, you as a registered nursing assistant we know could not or at least were not permitted to give medications. I take it then she would have been giving that dose on your behalf?

A. That's correct.

Q. Was she the team leader that day?

A. Yes, she was.

Q. Were you present when she gave that dose?



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A. I don't recall.

You don't remember whether you witnessed it being given?

That's right.

2. Apart from the dose that was given to the child at 4 o'clock that afternoon, did you learn from anyone as opposed to anything that you might have observed because you have told me you didn't see it happening, did you learn from anyone that any other medication was given to Jordan Hines before you left at the end of the shift that day?

THE COMMISSIONER: I am having trouble with this. I've got the answer that Miss Harwood-Jones was the team leader that day. Was she?

MS. SYMES: On page 118 and 119 it shows that Miss Bracewell was the team leader.

THE COMMISSIONER: That's what I thought.

MS. CRONK: Q. Could I ask you to look at page 118 of - Exhibit 32A, Tab 14, Miss Brownless, page 118. Ms. Symes points out it records Ms. Bracewell as having been the team leader on Ward 4B during the afternoon shift, that is, from 3 o'clock until 7:00 as she was earlier in the day, is that correct?



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A. That's correct.

3

Q. And Ms. Harwood-Jones was, I

4

take it, a registered nurse?

5

A. That's right.

6

Q. She was on long days that day?

7

A. Yes, she was.

8

Q. Can you help me as to why she

9

would have been giving your medications, and in fact
she did as indicated by the sign off on the

10

medication treatment record in lieu of Ms. Bracewell?

11

A. Possibly because there were

12

three relief and two RNA's, so, maybe Miss Harwood-

13

Jones being a regular 4B staff was assisting Miss
Bracewell.

14

Q. Do you remember in fact who

15

did give that medication at 4 o'clock?

16

A. No, I don't.

17

Q. You don't remember observing

18

anyone do it?

19

A. No, I don't.

20

Q. I was then about to ask you,

21

you've told me that you didn't observe any medications
being given to the child before the end of your shift.

22

Did you at any point before you left that night learn

23

that a medication had been given to him other than the

24

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one recorded at 4 o'clock?

3

A. I don't recall any other
medication being given to him.

4

5

Q. You have told me I believe that
he did not have an apnea spell that day before you
left, is that correct?

6

7

A. That's correct.

8

9

Q. Did his apnea monitor at any
point go off prior to 7:15 that evening?

10

A. Not that I can recall.

11

12

Q. Did his cardiac mointor go off
that you can recall?

13

A. No, I can't.

14

Q. What was his condition at the
end of your shift that day?

15

16

A. He was fairly stable, comfortable
when I left.

17

18

Q. Could I ask you to turn to page
34 of the medical chart.

19

THE COMMISSIONER: I am sorry, what
page was that again?

20

21

MS. CRONK: 34, sir.

22

THE COMMISSIONER: 34.

23

THE WITNESS: I have it.

24

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MS. CRONK: Q. This is part of the



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progress notes and, as you know, Ms. Brownless, this appears to be the nursing note done by you for the afternoon and early evening shift until 7:15 that evening, is that your note?

A. That's right.

Q. On the basis of reviewing your note and your recollection as to the child when you left that day, did you have any reason to think that he was in a position or in a condition where he might very quickly deteriorate when you left?

A. I didn't think he would.

Q. Did you have any reason to think when you left that he was in any danger of dying?

A. No, I didn't think he was in any danger.

Q. Was there anything in either his heart rate, his apex recording, as you have recorded it, his respirations or his blood pressure that you regarded as unusual?

A. No.

Q. Anything of concern?

A. No.

Q. And if you'll look to his chest it appears that he did have a cough and he was congested according to your note but his colour



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was good?

A. That's correct.

Q. Was he feeding well based on what you have written about the nutrition?

A. He vomited times one but he fed well for me the second feed.

Q. Finally, you have indicated that his IV was infusing well?

A. That's correct.

Q. When did you normally do your chart entries, Ms. Brownless?

A. Anywhere from 1800 hours to 1830.

Q. So, this note could have been done then between 6:00 and 6:30 that evening?

A. That's correct.

Q. When you left the shift there was no difficulty with his intravenous line?

A. That's correct.

Q. Did you observe anything unusual or out of the ordinary at all with respect to Jordan Hines that day before leaving the hospital?

A. Nothing unusual.

Q. March 8th as I understand it you again worked a 12 hour day?



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2

A. That's correct.

3

Q. Did you learn that morning when

4

you came to work of Jordan Hines' death?

5

A. Yes, I did.

6

Q. Do you recall who told you that
the child had died?

7

A. I don't recall who told me

8

because when I came in to report - I mean, when I

9

came down the hall I went into Room 31 and someone

10

knew that I knew the family so they grabbed me and

11

told me he had died and the parents were in the 4B

12

conference room.

13

Q. Was there anything else said

14

that you can now recall?

15

A. No.

16

Q. What was your reaction when

17

you learned that Jordan Hines had died?

18

A. I was upset.

19

Q. Were you surprised, shocked?

20

What did you do when you learned that he died?

21

Would you like to take a minute?

22

THE COMMISSIONER: We'll take a

23

few minutes.

24

MS. CRONK: Thank you, sir.

25

--- Short recess



Brownless
dr. ex. (Cronk)

F
DM/PS

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---Upon resuming.

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THE COMMISSIONER: Yes, Ms. Cronk.

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Q. Ms. Brownless, I know this matter is upsetting and I have just a few more questions concerning Jordan Hines and then we will leave the matter.

A. Okay.

Q. Did you, after the child died, have occasion to speak to any of the physicians who participated in his care, about why he had died?

A. Not that day.

Q. A few days after his death did you do so?

A. Yes, I did.

Q. Who did you speak to?

A. I spoke to Michael Schaffer.

Q. What was the discussion you had with Dr. Schaffer?

A. I asked why he had died, and I don't recall what the answer was.

Q. Was there any explanation offered to you at all during that discussion, as best you can recall it, as to why the child had died?

A. No.

Q. Did you have the impression that



1
2 Dr. Schaffer was aware of why the child had died?

3 A. I don't recall, I don't think he
4 was hiding anything from me.

5 Q. You don't recall what his response
6 was to your inquiry?

7 A. That's correct.

8 Q. It has been suggested in prior
9 evidence as well that there was a meeting on March
10 11th on the ward with 4A and 4B nurses in attendance
11 when a number of arrests were discussed, and particularly
12 the concern of the Ward 4B staff concerning Jordan
13 Hines was discussed, do you remember being at that
14 meeting?

15 A. No, I don't remember being at
16 that meeting.

17 Q. Did you have any discussions
18 with the head nurse, Mrs. Radojewski, or any of the
19 other nurses as to why Jordan Hines had died, on that
20 day?

21 A. I can't say if I had a discussion
22 with Liz or not.

23 Q. Just one more question.
24 At any point did anyone ever suggest to you, prior
25 to the arrest of Susan Nelles for the murder of Justin
Cook, did anyone ever suggest to you that digoxin may



1
2 have contributed to or been involved in any way in
3 the deaths of Jordan Hines?

4 A. No one suggested it to me.

5 Q. You told me earlier today that -
6 as you told me yesterday - that after the death of Jordan
7 Hines you observed personally that there had been an
8 unusually high number of deaths on the cardiac ward,
do I have that correctly?

9 A. That's correct.

10 Q. You told me that was the first
11 time that you consciously made that observation your-
12 self.

13 A. That's right.

14 Q. Did you observe then that the
15 deaths were occurring for the most part in the long
16 night shift and the early hours of the morning?

17 A. That's correct.

18 Q. Did you observe at the same time
19 that the deaths were predominantly occurring in the
presence of the same nursing team?

20 A. That's right.

21 Q. Did you, in your own mind,
22 once you had made this observation, search for an
23 explanation as to why these deaths were occurring?

24 A. I don't recall ever thinking there
25



4 1
2 was an explanation for these deaths.

3 Q. Did you, to use someone else's
4 expression, cast about in your mind for any reason
5 that might explain, for example, why so many were
6 dying in the presence of the same nursing team and
7 at night?

8 A. I don't recall.

9 Q. Did you speak to anyone about
10 the observations that you had made at that point?

11 A. No, I didn't.

12 Q. Do you recall that yesterday I
13 referred you to certain testimony that Lynn Johnstone
14 has given before this commission, in which she indicated
15 that at some point you, she thought, had expressed
16 concerns to her about the number of arrests that
17 were occurring. In the context of early March, 1981,
18 after Jordan Hines had died and after you had made
19 these observations, do you recall now whether you
20 sought out and spoke to Ms. Johnstone about the matter?

21 A. No, I don't recall.

22 Q. Do you recall having any discussions
23 with Elizabeth Radojewski concerning the matter?

24 A. No, I don't recall.

25 Q. We know that there were a number
of deaths after Jordan Hines during the month of March



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on those wards. Kevin Pacsai and Michelle Manojlovich both died on March 12th; Michelle Manojlovich in the early hours of the morning on Ward 4B; Kevin Pacsai later that day in the intensive care unit having been transferred there from Ward 4B. You worked, as I understand it, a long day on March 11th, the day before they died, is that correct?

A. That's correct.

Q. Do you recall seeing either patient for any reason on Ward 4B that day?

A. No, I don't.

Q. And on March 12th, as I understand it, you worked a 12 hour long day?

A. That's correct.

Q. And you arrived at work that morning, I take it it would have been approximately your normal time, 7:00?

A. 7:00, that's right.

Q. Were you informed at that time that there had been a death on Ward 4B?

A. Yes, I was.

Q. That, I take it, was Michelle Manojlovich?

A. That's correct.

Q. Were any concerns expressed to you



6 1
2 at that time regarding her death?

3 A. No.

4 Q. Did you learn later in the day
5 that there had been another death, a patient who had
6 gone from Ward 4B to the ICU had also died?

7 A. I heard it when I came in in
8 the morning that they had two arrests and one child
9 went to ICU, and I can't recall when I heard the other
10 child died, I think it was some time that day, but I
11 can't recall what time.

12 Q. After you did learn that the
13 other child had died who we know to have been Kevin
14 Pacsai, do you recall any discussions amongst nursing
15 staff as to why that child had died?

16 A. No, I don't recall.

17 Q. When did you learn for the first
18 time, Ms. Brownless, that there was a possibility of a
19 coroner's inquest into the death of that child who had
20 gone to the ICU from Ward 4B?

21 A. Just recently; in March I
22 should say, I'm sorry.

23 Q. I'm sorry, I don't understand.
24 When did you learn for the first time about the
25 possibility of a coroner's inquest with respect to
the patient that we know to be Kevin Pacsai?



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A. After Susan's arrest, I learned
all this information after.

3

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Q. You are talking about March now,
of 1981?

5

6

A. That's correct.

7

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Q. And you are saying that you did
not learn about the possibility until after Susan
Nelles had been arrested?

9

10

A. That's correct.

11

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Q. When did you first learn that
there was some issue regarding digoxin in the death
of Kevin Pacsai?

13

A. At the same time.

14

Q. Again after the arrest of Susan
Nelles?

15

A. That's correct.

16

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Q. We know that Susan Nelles was
arrested March 25th with respect to Justin Cook,
and that further charges were laid against her two
days later concerning, as it happens, Kevin Pacsai
and the two other children. Do you recall now whether
you learned about the issue involving digoxin with
Kevin Pacsai before or after she had been charged with
his murder?

23

A. It was after.

24

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Q. After?

3

A. Yes.

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Q. We have heard in evidence from

5

other witnesses, Ms. Brownless, that there was a

6

meeting at Mrs. Radojewski's house during the evening,

7

on March 23rd, 1981. I don't intend to go into that

8

meeting in detail with you, but I do have a few

9

questions in light of what you have just said.

10

A. All right.

11

Q. Were you at that meeting on

Monday, March 23rd at her home?

12

A. Yes, I was.

13

Q. Was there not discussion that

night concerning Kevin Pacsai and his death?

14

A. I don't recall.

15

Q. Do you recall any discussion that

16

evening at all concerning Kevin Pacsai?

17

A. No, I don't.

18

Q. Do you recall any discussion at

19

that meeting concerning an inquest, or digoxin levels

20

with respect to any patient?

21

A. No, I don't.

22

MS. CRONK: Would you show the witness,

Mr. Registrar, please, Exhibit 309?

23

Q. This exhibit, Ms. Brownless, is

24

25



the handwritten notes prepared by Mary Costello of certain events that took place at the end of March, 1981. I would ask you to turn to page 4.

A. Yes.

Q. And I direct your attention to the bottom paragraph beginning with the language:

"In retrospect remember Susan saying 'I have got my private legal counsel from a lawyer roommate. I know I - we didn't do anything wrong. I know I measured dig....'"

And above that the word:

"Pacsai correctly. I remember small amount in syringe, plunger not far out, 1 squirt, checking with Mary Dean giving Kevin Pacsai last - right card..."

I believe:

"Right baby could get through this."

Do you see that?

A. Yes, I do.

Q. With the benefit of those notes do you have any recollection at all of any discussion that evening by Susan Nelles which you had concerning



Kevin Pacsai?

A. The only thing I recall Susan Nelles saying was, she said, "I know I..." I'm not sure if she said, "I" or "we":

"...we haven't done anything wrong and we have nothing to worry about." And that struck me as unusual because I didn't know why she said it.

Q. Do you recall that being said in connection with any child, or any of the events on the ward?

A. No.

Q. We have also heard in evidence by Ms. Frise about certain of the events at that meeting. I would like to read you part of it, it is found at Volume 109, page 4696, she is talking about --

THE COMMISSIONER: I'm sorry, just a moment here. You may well be asking whether this is probably in Phase I or Phase II, is that what your concern is?

MR. BROWN: I trust Ms.Cronk's judgment on that.

THE COMMISSIONER: I was just wondering, this witness has very little to tell us. I don't know, is it going to be necessary to recall this witness,



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Mr. Percival, you don't need to answer that; if you don't want to, for the second phase?

MR. PERCIVAL: I don't know.

THE COMMISSIONER: If there are some innocent questions, because I think the answers can only be pretty innocent.

MR. PERCIVAL: I am concerned about them. I am aware there are other meetings quite apart from Monday the 23rd meeting that she attended, and that may be relevant in relation to the second phase. Without knowing what the question is going to be I would rather not get into the March 23rd because of the fact I think that is something that is --

THE COMMISSIONER: Well, you see the problem is it means she will have to come back and frankly I doubt if bringing her back is going to be that helpful. But, if it is, I obviously can't, having made this ruling, I can't refuse your application. I just mentioned it that if we can't get rid of it by a few pointed questions it would be helpful. But you have an objection to something, Mr. Brown?

MR. BROWN: Well, something else. Under Phase II it was our expectation that this witness would be back and we would certainly want her back.



1
2 THE COMMISSIONER: You would want her
3 back on Phase II?

4 MR. BROWN: Yes.

5 THE COMMISSIONER: I guess that resolves
6 that problem. I would hope we could have avoided
7 it but you don't think that is possible.

8 MR. BROWN: Well, I don't think it is
9 any secret there was a number of nurses on the team
10 who were interviewed the day Susan Nelles was
11 initially arrested and charged with the death of
12 Justin Cook. Ms. Brownless was one of them, and in
13 light of that we would certainly want to pursue that.

14 THE COMMISSIONER: Well, you would
15 want to pursue it if there is anything to discover,
16 but if there is not going to be anything, that is
17 really what I am getting at, if she really hasn't
18 anything to tell us then we can save it. Mr. Olah
19 knows.

20 MR. OLAH: Surely all that discovery
21 can be done through the police officers and my client's
22 statements are recorded. I really don't see the
23 object of bringing her back a second time to confirm
24 that she said that to the police.

25 THE COMMISSIONER: I just don't want
her brought back, Mr. Brown, if there is some question



13 1
2 she is going to answer, I don't know, I don't remember.
3 That would be disaster to do that, that's all.
4 That is why I was just suggesting that those sort
5 of questions might be put.

6 MS. CRONK: Perhaps I can assist.

7 THE COMMISSIONER: Yes.

8 MS. CRONK: I can say that from
9 commission counsel's point of view a determination
10 has not yet been made on whether or not the witness
11 will of necessity have to come back as part of
12 commission counsel's evidence.

13 THE COMMISSIONER: Yes.

14 MS. CRONK: I can say, however, sir,
15 my purpose in pursuing the two questions I have asked
16 so far and the next two I propose to put are because
17 in my view they related to the cause of death issue
18 and that they are proper at this time.

19 THE COMMISSIONER: Yes.

20 MR. BROWN: Then I rise again, and that
21 is the reason I initially rose, that if they are
22 questions she is going to ask about the meeting on
23 March 23rd relating to this witness' personal
24 knowledge and going to the cause of death, I would
25 suggest that the question just be put to her in a
general fashion to get the fastest evidence we can,



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and I am reluctant before commission counsel asks
that question putting to her the evidence of another
witness.



G/RD/ko

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2 MS. CRONK: I am sorry, sir, that's
3 not unfair. I put the questions generally and
4 received a do not recall and a denial and then put
5 to her Miss Costello's notes. I have already asked
6 her the questions, with respect to the general
7 matters.

8 THE COMMISSIONER: We know what the
9 problem is. Anyway let's carry on. Like all the
10 other interferences I'm making in these proceedings
11 they just seem to tend to prolong the agony, but I
12 have at least, I think, have made myself clear. I
13 don't want to have anyone brought back unnecessarily,
14 but having made the ruling about Phase I and Phase
15 II I only have myself to blame if they have to come
16 back. That is all.

17 MS. CRONK: I understand, sir, your
18 ruling and I am in your hands.

19 THE COMMISSIONER: All right.

20 MS. CRONK: Q. Miss Brownless,
21 so that I am clear, as I understand it you have told
22 me that you do not recall any discussion at that
23 meeting with respect to digoxin and Kevin Pacsai or
24 any other child. Do I have that correctly?

25 A. Yes that's correct.



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Q. I am going to suggest to you on the basis of the evidence of Meredith Frise before this Commission -- I am referring to Volume 109, sir, at page 4696 -- that Mrs. Frise has told this Commission that she asked Mary Costello at that meeting this question:

"A. ... did some of these deaths or is this whole thing that is happening, does it have to do with digoxin?

Q. Now, what prompted you to ask that question?

A. I think I asked her that question from being at work on Sunday when the digoxin was locked up and that the supervisors there watch you draw up digoxin or any other medications. It was like it was sort of a leak somewhere along the line that digoxin had to do with these deaths or just about the Pacsai death in particular."

Then continuing on on page 4697 at the bottom of the page, sir, line 21:



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"Q. All right. Did you raise the question with anybody else at the meeting, the question of digoxin involvement in any of the deaths?

A. No, I did not. I asked Mary and as soon as I asked her everyone listened; it went quiet, everyone listened and then that topic was kind of ended and wasn't commented on any more."

My question to you, Miss Brownless, do you recall Meredith Frise or anyone else raising specifically at that meeting on March 23rd, as a question, the possibility of digoxin involvement in any of the deaths that had taken place at the hospital?

A. No I don't.

Q. Do you recall any occasion when the room fell silent when someone in the room had posed a question?

A. No I don't.

Q. Do you know that there was, following the death of Kevin Pacsai and Michelle Manojlovich, another death on the wards, Kristin Inwood who died on March 13th? As I understand it



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you did not have any involvement in that patient's care, nor do you recall any circumstances of her death. Do I have that correctly?

A. That's correct.

Q. By the time that she did die, however, Miss Brownless, there had been seven deaths on those wards starting with David Leith and virtually in a seven day period. Do you recall I asked you yesterday in a different context whether at any time during the fall of 1980 up to the end of December, 1980 the nurses on 4A/B had made jokes in your presence regarding the deaths occurring when one team was on duty? Do you recall my asking you that?

A. Yes I do.

Q. And you said, as I recall your answer, that you didn't recall that happening?

A. That is correct.

Q. I ask you to look for a moment at the 4A WIN sheets. I don't know if you have them.

A. No I don't.

Q. Could I have Exhibit 335, Mr. Registrar.

I don't know whether that is --

THE COMMISSIONER: It was sign language about the break. It is still five minutes



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away.

MS. CRONK: I thought you had your stopwatch out on me, in which case I was in a good deal of trouble.

MR. PERCIVAL: My tongue was hanging out.

MS. CRONK: Q. Miss Brownless, could I ask you to look, please, at the week of March 9th. Do you have that?

A. Yes, I do.

Q. I have suggested to you, and I ask you to accept from me that Kristin Inwood died on March 13th and, as I read the WIN sheets, you were not at work that day, nor were you at work on the 14th or the 15th of March. Do I have that correctly?

A. That's correct.

Q. You did, however, come in and work long nights again on Monday, March 16th?

A. That's correct.

Q. In the context of the events on those wards in March up to March 16, 1981, Miss Brownless, do you recall any of the nurses on Ward 4A and 4B having made, in your presence which you can regard as a joke, concerning the deaths occurring when one team was on duty?



1
2 A. Could you repeat that question
3 please?

4 Q. In the context of the events
5 that took place in March I suggested to you that
6 there were seven deaths in something like seven days
7 on those wards. Do you know recall, thinking about
8 it in the time frame of March 1981, any nurses on
9 Ward 4A and 4B having made jokes in your presence
10 regarding the deaths occurring when one nursing team
11 was on duty?

12 THE COMMISSIONER: Don't answer it
13 for the moment.

14 MR. OLAH: Excuse me, if my friend
15 has a specific --

16 THE COMMISSIONER: Yes, I think it
17 would have been better if -- there may be something
18 else, but is this the famous six out of seven?

19 MS. CRONK: No sir.

20 MR. OLAH: Well, if it is something
21 else and my friend has a specific matter in mind I
22 would appreciate that being put to the witness.

23 THE COMMISSIONER: I think we are
24 going to have the first question and see if it comes
25 out, because that is a non-leading question and then
see if it comes from the witness and then we will put



G 7

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the leading question -- and the answer is I don't
remember and that I think is really the way it should
be done.

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MR. OLAH: Of course, that leading
question or the general question was put yesterday.

6

7

MS. CRONK: Not in this time frame,
Mr. Olah.

8

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MR. OLAH: Well, it may be that it
wasn't put in March, but my recollection was that
that general comment was already put in and I would
appreciate the witness' attention being directed.

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THE COMMISSIONER: Yes, all right.
It will be after the first answer, I take it. Yes,
all right.

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MS. CRONK: I would have thought
that was the proper way to do it, sir, to give her
an opportunity to answer the question.

16

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THE COMMISSIONER: Yes I think it
is, too.

18

19

MS. CRONK: Q. You don't even
remember it now?

20

21

A. No I don't.

22

THE COMMISSIONER: We are giving you
lots of time to remember this event if it did occur.
You don't remember a joke being made?

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G 8

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THE WITNESS: No I don't remember

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a joke.

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THE COMMISSIONER: Now, get on to

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the specific question.

6

MS. CRONK: I don't know whether to

7

thank you sir or the witness for the answer.

8

Q. Miss Brownless, again, do you

9

recall being interviewed by Commission Staff to

10

prepare or discuss the evidence that you would be

giving before this Commission?

11

A. Yes I do.

12

Q. Do you remember being inter-

13

viewed on February 29th, that is the Wednesday of

14

last week, for exactly that purpose?

15

A. Yes I do.

16

Q. Was Mr. Olah present at that

meeting?

17

A. Yes.

18

Q. Miss Fineberg and myself?

19

A. Yes.

20

Q. Do you recall, and I suggest to

21

you, that you told Commission Staff at that time that

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the nurses on Wards 4A and 4B used to make jokes that

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if there was going to be a death it would be on a

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particular nurse's team and that you heard those

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jokes being made? Do you recall your having said that?

A. I recall saying that.

Q. All right. Do you recall now what team it was with respect to when those jokes were being made?

THE COMMISSIONER: She has now said that she recalls saying it. She hasn't yet said that she recalls it having been said.

MS. CRONK: Q. Do you recall, in fact, having heard nurses make jokes in that regard?

A. I recall hearing it, but I can't recall anyone saying it to me directly.

Q. Do you recall a clear recollection in your mind having overheard it?

A. Fairly clear, yes.

Q. Do you recall, was it one occasion or more than one occasion?

A. I can't recall.

Q. Do you recall specifically how-
ever one occasion?

A. Yes.

Q. Do you recall now when that was?

A. No I don't.



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G 10

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Q. Do you recall who made the

3

remark?

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A. No I don't.

5

Q. Do you recall what the remark
in fact was?

6

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A. If there was going to be a
death it would be on Phyllis' team.

8

9

Q. You don't recall, I take it,
having heard that said on any subsequent occasion?

10

A. That's correct.

11

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Q. Was it by March 16th, 1981,
Miss Brownless, common knowledge on the wards that
there were a great many arrests occurring? I have
suggested seven in seven days and those arrests
were occurring in the presence of one nursing team?

15

A. That's correct.

16

17

Q. Did you attribute any signifi-
cance to that remark when you heard it?

18

A. Could you repeat that?

19

20

21

Q. When you heard that remark
there was going to be a death, as you have told us
what the remark was, did you attribute any
significance to it?

22

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A. I don't think I actually
thought about the remark at all.

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Q. Did you regard it as a joke at
the time?

A. I don't know how I regarded it.

MS. CRONK: Sir, do you wish to take
a break now? I am about to move into another area.

THE COMMISSIONER: Yes. It will
please Mr. Percival, so I think we will take it, 20
minutes.

MS. CRONK: Thank you, sir.

--- Short recess

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BM/PS

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---Upon resuming.

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THE COMMISSIONER: Ms. Cronk.

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MS. CRONK: It is my understanding, sir,
that before we start again Mr. Hunt has some remarks
he would like to make.

6

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THE COMMISSIONER: Yes, Mr. Hunt.

8

MR. HUNT: Thank you, sir, if I might.

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There is a matter which has been of some
concern to me since Monday of this week that I would
like to clarify with you at this point. It really
arises out of a remark that was made by my friend
Mr. Sopinka when he was here, although, it is not
the remark that causes me the concern.

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You will recall when I objected to a
question that was asked Mr. Sopinka said in a rather
humourous vein that he was surprised at my objection
inasmuch as my tenure here was being challenged in
some quarters. I certainly take no exception to
his remark made the way it was but he did raise a
matter that I believe involves a letter that Mr.
Alan Borovoy, the Counsel for the Canadian
Civil Liberties Association sent some weeks ago to
the Attorney General, I think it was dated February
24th and it was extensively reported in the media at
that time.



1
2 He complained to the Attorney General
3 of a number of things including --

4 MR. OLAH: Excuse me, while these
5 submissions are being made may Ms. Brownless be ex-
6 cused? I know she is all hooked up.

7 THE COMMISSIONER: Can you unwire your-
8 self?

9 MR. OLAH: I'm sure she would be delighted,
10 Mr. Commissioner.

11 THE COMMISSIONER: Yes, by all means.

12 MR. OLAH: And if you would like to
13 have a seat with your husband at the back.
14 ---Witness withdraws

15 THE COMMISSIONER: Yes.

16 MR. OLAH: Thank you, sir.

17 MR. HUNT: And Mr. Borovoy in his
18 letter complained of a number of things, one of which
19 was the status of myself as counsel for the Attorney
20 General and the various other interests that I
21 represent; the other was the status of Counsel for
22 the Police. I believe those matters were reported in
23 the media and I believe that that is what my friend
24 was referring to the other day.

25 My purpose in commenting on that at
this time is so that my silence when it was raised
for the first time in front of you on Monday, the fact



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2 that this challenge was being made in other
3 quarters does not in any way reflect any change in the
4 position that we have taken several weeks ago with
5 respect to matters that are properly dealt with before
6 you being dealt with outside this hearing room.

7 I want to make it clear that Mr.
8 Borovoy will no doubt get an appropriate response from
9 the Attorney General in due course but it is not my
10 intention, or the intention of any our clients, to
11 engage in any public debate in the media about
12 matters such as our status here or the status of the
13 police, that those in our opinion are matters that
14 are properly brought to your attention and discussed
15 here, argued here for your decision and not something
16 that should be dealt with by us or any of the
17 parties here in a public media forum, that that
18 would be an unseemly situation and I wanted you to know
19 that we respect the views that you expressed several
20 weeks ago with respect to this issue and we won't be
21 getting involved in that type of a public debate on it.

22 I say emphatically that if there is
23 any question with respect to our status then by all
24 means let the interested party bring it here, discuss
25 it with you, we will be prepared to respond to it in
an appropriate fashion at that time.



1
2 In our submission you are the ap-
3 propriate person to deal with those issues here and
4 not elsewhere. I am certainly drawing this to your
5 attention at this time because on Monday for the
6 first time really the question of some debate in
7 another quarter was referred to and I want it
8 clearly on the record that our position with respect
9 to matters being dealt with and debated elsewhere hasn't
10 changed at all and we don't intend to get into that
11 sort of a debate.

11 THE COMMISSIONER: Well, I didn't take
12 Mr. Sopinka seriously.

13 MR. HUNT: I didn't either.

14 THE COMMISSIONER: I thought it was a
15 joke. Am I mistaken, Mr. Brown?

16 MR. BROWN: That was my impression,
17 simple good humour.

18 THE COMMISSIONER: You know, some of
19 our colleagues have strange senses of humour. I have
20 been refuted to have a pretty strange sense of humour
21 sometimes but I certainly didn't take that seriously.
22 No one has raised here any issue about your presence
23 and your role to play. Mr. Borovoy sent his
24 letter to the Attorney General, he sent it via the
25 Globe & Mail and several other newspapers but he never



1
2 sent it to me. He is not a party here anyway. No-
3 body here has raised any such issue. I certainly
4 won't deal with it until it is raised and I am not
5 inviting anybody to raise it.

6 MR. HUNT: I appreciate that.

7 THE COMMISSIONER: Does that resolve
8 your problem?

9 MR. HUNT: Yes, it certainly clarifies
10 the matter.

11 THE COMMISSIONER: Yes.

12 MR. HUNT: I think all the positions
13 are now fairly on the record.

14 THE COMMISSIONER: Yes, all right, thank
15 you.

16 MR. HUNT: Thank you.

17 JANET BROWNLESS, recalled.

18 MS. CRONK: O. Thank you, Ms.

19 Brownless. You will recall that before we took our
20 break we were discussing certain of the events that
21 had occurred at the hospital and on March 16th
22 when you came back after having had several days
23 off. Do you recall, Ms. Brownless, prior to March 16th,
24 1981, anyone on the wards referring to something called
25 the witching hour?

A. Yes, I do.



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Q. Who said this?

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A. I remember on one occasion

4

Phyllis said that to me.

5

Q. Do you recall when that was?

6

A. Not the exact date, no.

7

Q. Was it prior to March 16th?

8

A. Yes, it was.

9

Q. Was it prior to Christmas, 1980?

10

A. It was after Christmas.

11

Q. All right. Do you recall when
between January and March 16th the incident occurred?

12

A. No, I don't.

13

Q. And what specifically was said
as you recall it?

14

A. Just, we are coming up to the
witching hour.

15

16

Q. Was that said during a day
shift or a night shift?

17

A. A night shift.

18

19

Q. Was it said with reference to
a particular time in the evening?

20

21

A. It was coming up to midnight and
I took it in reference of anywhere from midnight to
4 or 5 in the morning.

22

23

Q. I'm sorry, what did you understand

24

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2 Mrs. Trayner to be referring to?

3 A. Well, mostly the deaths occurred
4 on nights during those hours.

5 Q. What hours were those?

6 A. After midnight to 4 or 5 in the
7 morning.

8 Q. Did you recall that remark being
9 made at any other time in your presence or that
10 you overheard by Mrs. Trayner?

11 A. No, I don't recall.

12 Q. Do you recall it being made at
13 any time by anyone else that you overheard?

14 A. I never overheard anyone else
15 say it.

16 Q. Is it your clear recollection
17 that it was your impression at the time time
18 that Mrs. Trayner was referring to the hours between
19 12 midnight and 4 and 5 in the morning, as you have
20 suggested?

21 A. That's correct.

22 Q. Do you recall, Ms. Brownless,
23 being interviewed by Officer John Murray and Sergeant
24 Sherlow of the Metropolitan Toronto Police on
25 August 4, 1982?

A. That's correct.



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Q. Do you recall that?

3

A. Yes, I do.

4

Q. Do you recall at that time this matter coming up during your discussions with them?

5

A. Yes.

6

7

Q. And if I suggested to you that the police officers have recorded that you said that you heard Mrs. Trayner make that reference with respect to the hours between 1 a.m. and 3 a.m. in the morning, does that help you refresh your memory in any way as to what precisely was said or do you recall what you said to those officers?

10

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A. I recall what I said to them, I don't recall saying hours but if they have it written down, I must have, but I recall it being anywhere after midnight to 4 or 5 in the morning.

14

15

16

Q. You have suggested that if they have it written down you have no reason to suggest that that isn't what you said?

17

18

19

A. That's correct.

20

Q. Is it likely that you did, or do you know?

21

A. I don't recall.

22

Q. All right.

23

THE COMMISSIONER: Historically, isn't

24

25



1
2 the witching hour midnight?

3 MS. CRONK: I'm sorry, sir?

4 THE COMMISSIONER: I don't know, that's
5 the way I was brought up but I am never up at the
6 witching hour so I don't know.

7 MS. CRONK: It is a no-win situation,
8 sir, whatever I said.

9 THE COMMISSIONER: All right.

10 MS. CRONK: Q. Ms. Brownless, another
11 child died on the wards during the month of March,
12 March 18, 1981 at 4:30 in the morning, her name was
13 Charlon Gardner. Could I ask you to refer again to
14 Exhibit 32-A, this time to tab 13, which is the
15 Ward 4A assignment book at page 170.

16 A. I have them.

17 Q. Do you have that?

18 As I read the assignment book
19 entries for the Ward 4A on the night of March 17th
20 you were on long night duty, is that correct?

21 A. That's correct.

22 Q. You had at that time, is it
23 four patients in Room 425 and three in Room 418?

24 A. That's correct.

25 Q. Mrs. Trayner was in charge and
appears not to have had any patient assignments that



10 1 evening.

2 A. That's correct.

3 Q. Mrs. Scott was on duty and had
4 two children in Room 418 on a shared care basis.

5 A. That's correct.

6 Q. And Mrs. Christie was on duty,
7 had four children in Room 421, one in 426 and one
8 in 423, is that correct?

9 A. That's correct.

10 Q. If we look to earlier in the day,
11 that is the evening shift from 3 in the afternoon
12 until 11 at night we see that Charlon Gardner was
13 in Room 418 in the care of Ms. Ganassin, do you see
that?

14 A. Yes, I do.

15 Q. And am I correct in concluding
16 from the entries in the assignment book that at that
17 time Charlon was on a shared nursing care basis with
18 one other patient in the room?

19 A. That's right.

20 Q. And we have seen that you had
21 three patients in Room 418 that night. Were any of
those patients Charlon Gardner?

22 A. No, it wasn't.

23 Q. Was she then in the care of Mrs.
24
25



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Scott?

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A. Yes, she was.

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Q. All right. Could I ask you to
turn to the next tab, tab 14, the 4B assignment
book for that night, pages 138 and 139.

6

THE COMMISSIONER: 138?

7

MS. CRONK: 138, sir, and 139.

8

Q. Do you have that, Ms. Brownless?

9

A. Yes, I do.

10

11

Q. As I read the entries we can
identify the women who were working on the long night
shift but we can't tell what their patient assignments
were, nor which room they were posted to.

12

13

A. That's correct.

14

15

Q. And Bertha Bell appears to have
been the nurse in charge?

16

A. That's right.

17

18

Q. She may or may not have had any
patient assignments.

19

A. That's correct.

20

Q. Ms. Reaper, Ms. Whittingham,
Mrs. Lyons were also on duty on the long night shift?

21

A. That's correct.

22

23

Q. Was it your understanding, Ms.
Brownless, that when a nurse was posted or assigned to

24

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1
2 shared nursing care duty that she required a
3 specific person to relieve her for her breaks just as
4 would be the case if she was on constant nursing
5 care duties?

6 A. That's my understanding, yes.

7 Q. You had three patients in Room
8 418 that night and we have seen that Mrs. Scott had
9 two in the same room, that appears to have been for
10 that evening, that night, the full occupancy in Room
11 418. Do you recall when you came on duty that night
observing Charlon Gardner and her condition?

12 A. I don't recall.

13 Q. Do you recall at that time at
14 any stage during the course of that 12 hour shift
15 noticing anyone administer any medication to Charlon
Gardner?

16 A. I don't recall.

17 Q. Do you know when Mrs. Scott
18 took her first coffee break that evening?

19 A. No, I don't.

20 Q. Do you know who relieved her?

21 A. I presume Phyllis did.

22 Q. And again you are presuming that
because Mrs. Trayner was in charge that night?

23 A. That's correct.
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Q. Do you recall whether or not

Mrs. Scott was on her first coffee break at the same
time you were?

A. I don't recall.

Q. Do you recall or do you know
when she took her lunch or supper break that night?

A. No, I don't.

Q. Did you at any time that night
while you were in Room 418 taking care of your three
patients observe any nurse in that room other than
Sui Scott?

A. Other than Sui Scott?

Q. Yes.

A. Phyllis Trayner.

Q. Can you tell me please when you
saw Mrs. Trayner in Charlon Gardner's room?

A. Well, I can't recall what times.
It was just before Charlon Gardner took a turn, Sui
Scott wasn't in the room, I was in the room doing
something with one of my children. I can't recall if
I was finishing feeding or vital signs, and Charlon
Gardner's monitor started dropping and Phyllis
turned to me, she was tending to the other child that
Sui was looking after and said, go get Sui, and
I left the room to get her and she came back in the



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room and that's all I can recall.

3

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Q. Was it shortly after that
episode that Charlon Gardner went into arrest?

5

A. That's correct.

6

THE COMMISSIONER: I am sorry, she took
a turn. Was that an arrest at that time?

7

8

THE WITNESS: Well, her apex was
dropping.

9

10

THE COMMISSIONER: I see. Have we got
that medical chart?

11

MS. CRONK: Yes, we do, sir.

12

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THE COMMISSIONER: Could we see the
medical chart.

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MS. CRONK: It is Exhibit 114, Mr.
Registrar.

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I
IW/cr

I suggest, sir, you look first at
page 57. Do you have a copy of it there, Miss
Brownless?

A. Yes, I do.

Q. Do you have page 57?

A. Yes, I do.

Q. That appears to be the long
night nursing note completed by Mrs. Scott for the
night that Charlon Gardner died, is that correct?

A. That's correct.

Q. And if we look to the notations
that Mrs. Scott has made, she has recorded that at
3:35 in the morning the apex of the child dropped
to 122 and became very irregular, and doctor, is
that Kobayashi?

A. That's correct.

Q. Dr. Kobayashi was called?

A. That's correct.

Q. And then she has recorded that
the child went into ventricular flutter, do you see
that?

A. No, I don't.

Q. "Babe went into ventricular
flutter", am I reading that correctly?

A. Where, further down?



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Q. Directly under the name

3

Dr. Kobayashi.

4

A. I don't see that. Oh, I see
it, yes.

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Q. Now earlier in the same note,
dealing with the child's apex, Mrs. Scott first
recorded the child's vital signs. She also indicated
that the child's apex was between 178 to 162 and
regular until approximately 3:30 a.m. when the rate
dropped to 122 and became very irregular; do you
see that?

12

A. Yes, I do.

13

14

15

16

17

Q. Would it be fair of me to
suggest then that on the basis of Mrs. Scott's note
if her timing records are in fact accurate, that the
child's apex appears to have dropped to 122 for the
first time some time between 3:30 a.m. and 3:35 a.m.
in the morning?

18

A. That's correct.

19

20

21

22

Q. And thereafter Dr. Kobayashi
was called and subsequently a Code 25 was called,
a resuscitation attempt was undertaken and ultimately
the child was regrettably pronounced dead; do you
see that?

23

A. Yes.

24

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Q. Looking at the timing that Mrs. Scott has recorded, does that help you in any way in fixing the time when you observed Mrs. Trayner in Room 418 when you were there, as you have just described it?

A. I can't say for sure.

Q. Do you recall specifically that the time when you observed Mrs. Trayner in the room and the time when she asked you to seek out Sui Scott, that that occurred shortly before the child went into arrest; or do you remember whether there was a time interval between the two events?

A. It was shortly before the child went into arrest.

Q. Were you in the child's room when Dr. Kobayashi arrived?

A. No, I wasn't.

Q. Had you been aware prior to reading this progress note that he had been called?

A. No, I wasn't aware.

Q. We know that you had I suggest three patients in Room 418 that night?

A. Yes.

Q. Mrs. Scott appears to have had two, the only other two in the room that night?



1

2

A. Yes.

3

Q. And I take it because you had

4

patients in another room as well you would have been

5

in and out of Room 418 on a fairly regular basis

6

during the course of that shift, do I have that
correctly?

7

A. That's correct.

8

Q. And if any of your three

9

patients in Room 418 had required medications to be

10

given throughout the course of that long night shift

11

they would not have been given by you but by someone
else?

12

A. That's correct.

13

Q. And who gave your medications

14

that night?

15

A. Usually the team leader gave

16

my medications.

17

Q. Do you specifically recall

18

whether in this instance it was Mrs. Trayner who
gave your medications?

19

A. I don't recall if she did or

20

not.

21

Q. And I take it then that if

22

medications were to be given to your patients, and

23

if as is the normal course as you suggested it would

24

25



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2

be Mrs. Trayner, she would have been in Room 418
on an earlier occasion to do precisely that?

3

4

A. That's correct.

5

6

Q. Do you recall being there
when she administered any medications to any of
your patients in Room 418 that evening?

7

8

A. I don't recall being there,
no.

9

10

11

Q. If you look at the names of
the children that you did have in 418 that night,
which are in the assignment book, that is Tab 13.

12

A. What page?

13

Q. Page 170-171.

14

A. I have it.

15

16

17

18

19

Q. Does looking at the names
assist you in any way in recalling, and I recognize
it is very difficult to do it without the medical
records, but does it assist you in any way in
recalling when those children who were in your care
in Room 418 were to receive medications that night?

20

A. If they were on medications?

21

Q. If they were on medications.

22

23

24

25

A. I can't recall, but the normal
times for giving medications on our floor are 9 and
2100 hours.



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Q. And I take it that because it was part of the normal process on those wards for a team leader to give your medications, it would not be regarded at all as unusual in any way for Mrs. Trayner to have been in Room 418 giving your meds if they had to be given that night?

A. That's correct.

Q. And similarly you have told us that the normal routine was that Mrs. Trayner as the nurse in charge, the team leader that night, she would most likely have relieved Mrs. Scott when she took her breaks?

A. That's correct.

Q. And you told us that Mrs. Scott was not in the room when you observed Phyllis Trayner there attending to another child?

A. That's correct.

Q. And that's when Charlon Gardner's apex began to drop?

A. That's correct.

Q. Would it be a fair conclusion then that Mrs. Scott was being relieved by Mrs. Trayner at that time?

A. Yes, that's a fair conclusion.



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Q. Were you in the room when Mrs. Trayner entered the room, or did she come in after you were there?

A. I can't recall who was in the room first.

Q. At any time up until the time that Charlon Gardner was pronounced dead, did you observe anyone administering any medication to her?

A. No, I did not.

Q. At any time during the course of that entire 12 hour night shift, did you observe anyone feeding the child?

A. No I didn't observe anyone feeding the child.

Q. Did you participate in her resuscitation effort?

A. No, I did not.

Q. Were any concerns expressed in your presence, which you can now recall, after her death regarding either the cause of her death or the timing of her death?

A. I don't remember any concerns.

Q. By anyone?

A. By anyone.



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Q. Could I ask you then to lend your mind to the events of the weekend of March the 20th and March 21st. If you have the 4A assignment book open there, Tab 13, could I ask you to turn first to page 176.

A. I have it.

Q. These are the assignment book entries for Friday March 20th. As I understand it until 11 o'clock in the evening you served as relief on another ward, do I have that correctly?

A. That's correct.

Q. What ward was that?

A. 7A.

Q. Was that the infant surgery ward?

A. That's correct.

Q. And then after 11:00 p.m. if we look to the indications in the assignment book, it appears that you were assigned three children in Room 418, and one in Room 426?

A. That's correct.

Q. Is that correct?

A. Yes, that's right.

Q. And if we look to the entries early in the day, it seems that during the evening



1
2 shift from 3 until 11 o'clock at night, Allana
3 Miller was in Room 423 in the care of - I am sorry,
4 until 7 o'clock that night Allana Miller was in the
5 care of Mrs. Fitzgerald, do I have that correctly?

6 A. That's right.

7 Q. And she was the only patient
8 recorded during the day as having been in Room 423?

9 A. That's correct.

10 Q. And again you have told us
11 that that was a room used for isolation purposes,
12 it was a one bed room?

13 A. That's correct.

14 Q. And during the long night shift
15 we see that Miss Nelles was working, that she had
16 one patient in Room 423, I take it that would be
17 Miller?

18 A. That's correct.

19 Q. That she had two patients in
20 Room 418 until 11 o'clock at night?

21 A. That's right.

22 Q. And it appears that after
23 11 o'clock at night one of her patients was assumed
24 by you, so she ended up from 11 o'clock on having
25 the two patients, one in Room 418 and Allana Miller
in 423?



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2

A. That's correct.

3

4

Q. Mrs. Christie was working,
she had three children in Room 425, two in 421 and
until 11 o'clock at night she had one in Room 418?

5

A. That's correct.

6

7

Q. And we know that - I am sorry,
we also see that Mrs. Trayner was the nurse in charge
that night, and until 11 o'clock she had two patient
assignments, one in Room 418 and one in Room 426?

9

10

A. That's correct.

11

Q. And again that was only until
11 at night?

12

A. That's right.

13

14

Q. Would I be correct in
suggesting that after 11 o'clock that night you
assumed one of Mrs. Christie's patients in Room 418?

15

16

A. That's right.

17

Q. Both of Mrs. Trayner's
patients, one of whom was in 418?

18

A. That's right.

19

20

Q. And one of Miss Nelles'
patients who was also in Room 418?

21

A. That's right.

22

23

Q. And in the result you had
three children in 418 and one in 426 who had been

24

25



1
2 previously cared for by Phyllis Trayner until 11
3 o'clock that night?

4 A. That's right.

5 Q. Could I ask you to turn if
6 you would to Tab 18 in Exhibit 32A, that is page
7 8 and 9, Tab 18.

8 A. I have it.

9 Q. This is the Ward 4B assignment
10 book for the night of March 20th, Miss Brownless.

11 A. Yes.

12 Q. And it appears that Bertha
13 Bell was the nurse in charge, is that correct?

14 A. That's correct.

15 Q. She is not recorded as having
16 any patient assignments?

17 A. She has 410 beside her name.

18 Q. I am sorry, let me show you the
19 original. On the original copy it is Room 410 and
20 the patient assignment erased?

21 A. Yes, it is.

22 Q. And the other nurses on duty
23 that night are Miss Reaper who had three children in
24 Room 433 and one in 411, and an unknown number in
25 410?

A. That's correct.



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2

Q. And Mrs. Whitingham who had

3

one in 438 and one in 439?

4

A. That's correct.

5

Q. And Mrs. Lyons who had five
patients in two different rooms?

6

A. That's correct.

7

8

Q. Did you, Miss Brownless,
at any point after the events of the weekend of
March 20th, 1981, have occasion to make personal notes
regarding Justin Cook and Allana Miller?

10

11

A. I'm sorry, did I after what
date?

12

13

Q. After the weekend of March
the 20th, did you have occasion, did you make
personal notes concerning Justin Cook and Allana
Miller?

15

16

A. Yes, I did.

17

Q. I am going to show to you the
original handwritten copy of a series of notes that
are some seven pages in length, and I would ask you
to look at the original and tell me if those are
notes prepared by you with respect to Justin Cook
and Allana Miller?

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22

A. That's correct.

23

Q. I will give you a copy and

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provide the Commissioner with the original, could they be marked as the next exhibit please.

THE COMMISSIONER: Yes, all right.
Exhibit 379.

---EXHIBIT NO. 379: Handwritten notes prepared by
Ms. Janet Brownless.

Q. On my review of the notes, Miss Brownless, and I would ask you to look at them with me; the first three pages, they are not numbered, but if you just count from the beginning, the first three pages but not the fourth page, and then continuing on to the fifth, sixth and seventh page all appear to relate to Justin Cook and the events concerning that child's stay in the Hospital, do I have that correctly?

A. That's correct.

Q. The fourth page, however, counting again from the front, refers to and is entitled "Miller"

A. That's correct.

Q. And these notes refer to Allana Miller?

A. That's right.

Q. Can you tell me please when you made the notes concerning Justin Cook?

A. These notes here?



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Q. Yes, those pages of these notes that refer to Justin Cook.

A. A day or so after March the 25th, on the 26th or the 27th, I can't recall exactly which day.

Q. Can you help me please as to why you made these notes?

A. I tried to recall what I said to the police. I didn't realize I could get a copy of my statement, and I just wrote it all out.

Q. Were you interviewed by the police on March 25th, 1981?

A. That's correct.

Q. Are you quite clear in your own mind that these notes were made following that interview with the police on March 25th?

A. Within a day or so, yes.

THE COMMISSIONER: I think we have had evidence that all the nurses were asked to do this by the Hospital, am I not right in that?

MS. CRONK: That was going to be my next question, sir.

THE COMMISSIONER: Oh, I am sorry.

MS. CRONK: Q. Did someone suggest to you, Miss Brownless, that you should make notes



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of your recollections of that weekend?

3

A. I don't recall, but a possibility,

4

yes.

5

6

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THE COMMISSIONER: Well that is a reasonable assumption, you wouldn't have made the notes though, would you, without someone asking you to make them?

8

THE WITNESS: No, I wouldn't.

9

10

11

12

THE COMMISSIONER: I guess that is only a legal habit of people making notes. You wouldn't ordinarily have done that, would you, that is the world's most leading question.

13

14

15

THE WITNESS: No, I wouldn't have normally have made notes.

16

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MS. CRONK: Q. Do you recall now who suggested that you make notes?

21

22

23

24

25

A. No, I don't.

Q. I note on the very last page

of your notes that there is reference to a Bill Carter, 250 University, is that the Mr. Carter who was one of the solicitors representing the Hospital at the time?

A. That's correct.

Q. Had you seen Mr. Carter before

you made these notes?



1
2 A. I can't recall if I had, or
3 not.

4 Q. If I ask you to turn, if you
5 would please, to pages 6 and 7 of your notes; that
6 perhaps is going to be difficult for you without
7 the original; if I could for a moment, sir.

8 THE COMMISSIONER: I will give them
9 back, are they not numbered on the original?

10 MS. CRONK: No, they are not.

11 Q. I am sorry, could I just give
12 your copy to the Commissioner for the moment and show
13 you the original.

14 Perhaps we can do it in order. The
15 first page of your notes is on lined legal sized
16 paper, the handwriting is in ink.

17 A. That's correct.

18 Q. That is true of the second and
19 the third and the fourth page as well, is that
20 correct?

21 A. That's correct.

22 Q. The fourth page is the only
23 page in these notes that applies to Allana Miller.

24 A. That's correct.

25 Q. When did you make the page
of notes concerning Miller?



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2

A. At the same time.

3

Q. At the same time?

4

A. Yes.

5

Q. Do you recall now why Miller's

6

notes would be in between the rest of your notes
concerning Justin Cook?

7

A. No, I don't.

8

Q. And then the next page

9

immediately after the notes concerning Allana Miller,

10

what I am calling page 5, appear as well to relate

11

to Justin Cook?

12

A. That's correct.

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Q. And we again are on lined legal size paper with the handwriting in ink?

A. That's correct.

Q. And then we come to the next page, page 6, and this appears to be a diagram of what I take to be part of Ward 4A and 4B, is that correct?

A. That's correct.

Q. There also is a diagram or a sketch at the bottom, and this is all in pen, that appears to be a room, a patient room?

A. That's right.

Q. What room is that?

A. 418.

Q. And there are the initials JC beside a particular box. Is that meant to be the bed where Justin Cook was?

A. That's correct.

Q. All right. And what night was that?

A. That was the night that he died, the Saturday night.

Q. Now, all of the notations on this page as I have suggested are done in pen, or at least a coloured pen, but I confess that the handwriting did not appear to me to be yours. Are those in fact



1

2

your notes?

3

A. Yes, it was.

4

Q. It's a different size of paper
than the rest of the notes?

5

A. That's correct.

6

7

Q. All right. And if you look to
the flip side of the same page, which is page 7 in
the bundle, this is a short 8 x 11 piece of paper
again in pen but unlined?

8

9

10

A. That's correct.

11

12

Q. So that the diagram or sketch
is on one side and these further notes with respect
to Cook are on the other?

13

14

A. That's correct.

15

Q. And they appear - well, can you
confirm for me whether they are in fact your notes?

16

A. Yes, they are.

17

18

Q. All right. Can you help me if
in fact that page with the sketch and those notes were
made on the same occasion as the other notes concerning
Justin Cook?

19

20

A. Yes, they were.

21

22

Q. All right. I don't doubt that
and I accept what you have said but it occurred to me
that if they had been made at the same time perhaps

23

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J. 2



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you would have used the same paper?

3

A. That's possible, I don't know

4

why I didn't.

5

Q. Do you recall specifically that

6

they were made at the same time as the other notes?

7

A. Within the same day, yes. I

8

don't know if I was writing them out continuously.

9

Q. Is it possible that they were

10

made at an earlier or on a later occasion?

11

A. You mean a different day?

12

Q. Yes.

13

A. There is a possibility but I

don't think so, I think I made them all on the same
day.

14

Q. And in the very last page of

15

the notes, again, legal size paper, lined, and that

16

contains the reference to Mr. Carter and a phone

17

number with a reference to Liz; I take that to be

18

Elizabeth Radojewski?

19

A. That's correct.

20

Q. Perhaps you could just keep

those for a moment. I am sorry, what number was given
to this?

22

THE COMMISSIONER: Exhibit 379.

23

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J 3



J 4

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MS. CRONK: Thank you.

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Q. We have seen, according to the assignment books, that on Friday, March 20th, from the start of the long night shift until 11 o'clock at night you were assigned to a different ward and you have told us that that was Ward 7A?

A. That's correct.

Q. When was the first time that night that you were on Ward 4A and 4B?

A. Seven o'clock.

Q. All right. For what purpose were you there at 7 o'clock?

A. To see what my assignment was and I found I was going to be leaving, so, I went up to 7A.

Q. All right. When was the next time you were on Ward 4A and 4B that night?

A. 2200 hours.

Q. And why were you there at that time?

A. To have coffee.

Q. All right. How long were you on the ward?

A. A half an hour.

Q. Why would you take your coffee



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break on Ward 4A/4B when you had been assigned at that point to another ward?

A. Because I don't know anybody on the other ward, so, I would come down to my own floor to have coffee.

Q. Do you have a specific recollection that you took your coffee break as you have suggested between 10:00 and 10:30 that night?

A. That's correct.

Q. Who did you take your coffee break with?

A. I don't recall who was with me.

Q. Had you known before your coffee break that evening that you were going to be asked to return to Ward 4A/4B at 11 o'clock that night?

A. I found out after.

Q. How did you learn that?

A. A supervisor told me; I don't recall her name.

Q. And what specifically did she tell you, do you recall?

A. She told me that I would be coming back to 4A at 11 o'clock because they were getting an emergency admission and I needed to pick up some patients.



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J 6

Q. Did she tell you who the emergency admission was?

A. Justin Cook.

Q. Where physically on the wards did you take your break between 10:00 and 10:30, where were you?

A. I was in the back of the nursing station where 4B gets report.

Q. Is that the area that you have described to us as the patient conference area at the nursing station?

A. That's correct.

Q. That's at the back where the tables are?

A. That's correct.

Q. During the course of that half hour when you were on Ward 4A did anything unusual happen with respect to Room 423 where Allana Miller was?

A. When I was on my coffee break?

Q. Yes.

A. I heard the alarm going off a few times.

Q. Now, what alarm was that?

A. Cardiac monitor alarm.



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J 7

Q. And was that Room 423's monitor?

A. That's correct.

Q. What did you do when you heard the monitor go off?

A. I didn't do anything.

Q. Did you go into Allana Miller's room during that half hour?

A. No, I didn't.

Q. Did you see anyone else going into Allana Miller's room during that half hour?

A. No, I didn't.

Q. What did you do at the end of your coffee break?

A. I went back up to 7A, signed off my charts, made rounds with the team leader up there and came back downstairs.

Q. What time was it when you returned to Ward 4A?

A. Approximately 11:15 to 11:20.

Q. All right. Again, do you have a firm recollection of that in your mind?

A. Yes.

Q. Could I ask you to refer to the



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notes that we have just marked and, again, I am calling it page 4. This is the page with respect to Miller. Do you have that?

A. Yes, I do.

Q. All right. And the third - I am sorry, the fourth line down suggests, and I don't suggest for a moment that there is any magic to five minute period of time, but it suggests that you came down at 2310, that would be 10 minutes after 11:00?

A. That's correct.

Q. And would that be the time that you returned to Ward 4A?

A. There's a possibility, yes.

Q. On the basis of what you have just told me, would it be fair to suggest then that some time, and having regard to what is in your personal notes, some time between 11:10 and 11:20 that night you returned from Ward 7A to 4A?

A. That's correct.

Q. And what was happening on the ward when you arrived?

A. Phyllis was figuring out my assignment.

Q. Was there anything else going on at that time?



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A. I can't recall if Allana Miller's monitor was going off or not.

Q. Well, do you recall seeing Susan Nelles at that time when you returned the ward?

A. No, I don't.

Q. Do you recall seeing any patient being admitted either at the nursing station or in any of the rooms?

A. No, I don't.

Q. Do you recall testifying at the preliminary hearing involving Susan Nelles, Miss Brownless?

A. Yes, I do.

Q. I am going to be referring you from time to time to a number of passages in your testimony. Do you have a copy of the transcript?

A. Right with me now?

Q. Yes.

A. No, I don't.

Q. Perhaps your Counsel can give it to you.

MR. OLAH: Well, mine is marked up.

MS. CRONK: Well, I don't intend to read a passage to you but I am going to suggest to you, Miss Brownless, and if you wish to see the



J 10

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transcript please ask for it, you are free to do so.

3

THE WITNESS: Okay.

4

MS. CRONK: Q. I am going to

5

suggest to you that in Volume 7 of your evidence at

6

the preliminary hearing at page 1498 you testified

7

that when you arrived on Ward 4A back from 7A that

8

Susan Nelles was in the process of admitting Justin

9

Cook. Do you recall giving that evidence?

10

A. Yes, I do.

11

Q. Do you specifically recall

12

observing Susan Nelles admitting Justin Cook at that

13

time when you returned to the ward?

14

A. I don't recall seeing that, no.

15

Q. All right. Well, it is difficult

16

to ask you if you remember the questions when I haven't
given you the question.

17

MR. OLAH: Well, perhaps I can give

18

her the passage.

19

MS. CRONK: Q. Starting at about

20

the middle of page 1498. Do you have that, Miss
Brownless?

21

A. Yes, I do.

22

Q. "Q. And you spoke to Phyllis

23

Trayner who briefed you about what

24

had gone on on the floor since you

25



BB
J 11

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"started around 7:00 or 7:15?

3

A. That's right.

4

Q. And you found out when you came

5

back that Susan Nelles had been

6

assigned to Justin Cook in 418?

7

A. That's right.

8

Q. And she was in the process of

9

admitting this baby who had just

10

come into the hospital?

11

A. That's right."

12

Do you recall being asked those
questions and giving those answers?

13

A. Yes, I do.

14

Q. Were they true at the time?

15

A. Yes, they were.

16

Q. All right. Now, you have told

17

us that you do remember that when you arrived on the
ward Phyllis Trayner was figuring out your assignment,

18

do I have that correctly?

19

A. That's right.

20

Q. What did you do when you arrived
on the ward?

21

A. After my assignment was figured

22

out I collected by Cardexes and I can't remember if

23

I wrote down what was on the Cardexes first or

24

25



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2

Phyllis gave me a report on the children first.

3

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Q. All right. And when you say you looked at your Cardexes and wrote down what was on the cards, were you writing information down on what you described earlier as your cheat sheet or were you writing on something else?

8

A. What I referred to earlier as my cheat sheet.

9

10

11

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13

Q. All right. And you said that Phyllis Trayner also gave you a report and from your evidence at the preliminary hearing that had to do with what had transpired on the ward from 7:15 until you arrived back on the ward, is that correct?

14

A. That's correct.

15

Q. Where were you when you took report from Phyllis Trayner?

16

17

18

A. At the back of the nursing station in one of the little cubbyholes, as you would call it, there is a little area to sit in.

19

20

Q. And where were you when you were making your notes from the Cardex cards?

21

A. At the same place.

22

23

24

25

Q. And that's at the back of the nursing station again in the patient conference area?



1

2

A. That's correct.

3

4

Q. Was Phyllis Trayner at the nursing station with you while you were making your notes from the Cardex cards?

5

6

A. I can't recall if she was there at all times.

7

8

Q. She was certainly there while she gave you report?

9

10

A. That's correct.

11

Q. And you don't recall you have told us what you did first?

12

A. That's correct.

13

Q. Was anyone else there that you can recall?

14

15

A. I can't recall if anyone else was there.

16

17

Q. While you were making your notes in the patient conference area were you sitting down at one of the tables?

18

19

A. Not one of the back tables, there are two areas that come out that are like desk tops that seat two people and I was sitting at one of those.

20

21

22

Q. Which direction were you facing when you were making your notes?

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J 13



J 14

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I would be facing to the back of the nursing station with my back to the hallway.

Q. All right. When did you finish your report with Phyllis Trayner and finish making your notes?

Approximately 12:00.

Q. What makes you think it was midnight?

A. Because I would have gone to check my children and do my vital signs in my two rooms.

Q. All right. We know that you had a number of patients that night and there were patients in 418 assigned to you and a patient in Room 426 assigned to you. Do you specifically recall now the time at which you got up and left the nursing station or are you reconstructing it on the basis of estimating the time it would take you to do report and to make your notes from the Cardex cards?

A. I am reconstructing and estimating the time.

Q. Do you have a specific recollection of having left the nursing station at approximately midnight to do your vital signs on the children who were assigned to your care?



1

2

A. No, I don't.

3

Q. Do you know when you got up to

4

do that?

5

A. No, I don't.

6

Q. What's the minimum amount of

7

time that it would have taken you to both receive

8

report from Phyllis Trayner and make your notes on

9

the Cardex cards for the, I believe it was the four

10

children in your care? What's the minimum amount of
time in which you could have done that?

11

A. Twenty minutes to a half an

12

hour.

13

Q. And what's the maximum amount of

14

time?

15

A. Well, it really depends how many
children you have, it could be up to 45 minutes.

16

Q. Well, we know how many children

17

you had, you had three in Room 418 and one in Room

18

426, you had four in total. What's the maximum time,

19

bearing in mind that you had four patients?

20

A. Approximately a half hour.

21

Q. All right. So, if you arrived

22

somewhere between 11:10 and 11:20 on the ward and it
took the minimum time to complete those activities,

23

you have told us that was 20 minutes to a half an hour;

24

25

J 15



J 16

1

2

do I have that correctly?

3

A. That's correct.

4

Q. That could mean that you were

5

finished those duties at 20 to 12:00 or at 10 to 12:00,
is that correct?

6

A. That's correct.

7

Q. And if it took you the maximum

8

amount of time to do it and you arrived again between

9

11:10 and 11:20 you have said the maximum time again

10

is 20 minutes?

11

A. 45 minutes.

12

Q. 45 minutes, right. I am not sure

13

my arithmetic is all that good but if it took you 45

14

minutes and you arrived at 11:20 that would be about

5 after midnight, would it not?

15

A. That's correct.

16

Q. All right. At any time while you

17

were at the nursing station doing both of those

18

activities, taking report and making your notes at the

19

back of the nursing station, did you see Susan Nelles

20

at the nursing station, as best as you can now recall

it?

21

A. No, I can't recall who I saw at

22

the nursing station.

23

THE COMMISSIONER: I am sorry, did you

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ask whether she had seen Susan Nelles?

MS. CRONK: That's right.

THE COMMISSIONER: And I think you answered you didn't see Phyllis Trayner or did I get that wrong?

THE WITNESS: I said I didn't recall seeing anybody.

THE COMMISSIONER: Oh, all right.

MS. CRONK: Q. But we know Phyllis Trayner was there because she gave you report?

A. That's correct, at the time she gave me report she was there.

Q. All right. And she may have been there as well when you were taking your notes from the Cardex cards but you can't remember?

A. That's correct.

Q. All right.

THE COMMISSIONER: But what's this about -- I am sorry, I must have the wrong time because earlier did you not say that Susan Nelles was admitting Justin Cook?

THE WITNESS: I presumed she was admitting Justin Cook, yes.

THE COMMISSIONER: Well, you are just presuming that, you didn't see her?



J 18

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THE WITNESS: I didn't see her.

3

4

MS. CRONK: Q. Where is a child
admitted, Ms. Brownless?

5

6

In the room that they are
assigned to

7

8

9

10

Q. All right. And she would then
have been in room - if she was admitting the child at
that time as you have suggested she would have been in
Room 423 with Allana Miller - I am sorry, she would
have been in Room 418 with Justin Cook?

11

A. That's correct.

12

13

Q. She would not have been at the
nursing station?

14

A. That's correct.

15

16

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19

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Q. All right. And you told me
earlier that you don't recall seeing her at the nursing
station when you arrived at the ward, you don't recall
seeing her at all when you arrived at the ward and
my question to you now was, during that maximum 45
minute period of time that you have described to us
that you were taking report and making your reports,
do you recall seeing Susan Nelles?

21

A. No, I don't.

22

23

Q. All right, at the nursing station
or anywhere else?

24

25



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J 19

A. That's correct.

Q. Did you see anyone while you were at the nursing station doing those activities, did you see anyone wheeling a baby in a bed down the corridor towards 4B?

A. No, I didn't.

Q. Did you hear anyone?

A. No, I didn't.

Q. All right. Given where you were sitting at the back of the nursing station and given that you have told us that your back was to the rest of the floor, is it possible that someone could have passed you at the nursing station wheeling a bed with a child in it without you either having seen it or heard it?

A. I possibly could have heard it but I might not have turned around.

Q. Well, do you recall hearing anything that night that suggested that kind of activity during that 45 minute period of time?

A. I don't recall hearing it, no.

Q. It has been suggested here that Justin Cook following his admission on Friday, March 20th was taken the echo lab in the Hospital for Sick Children. Do you know from observations that you made



1

2

when Justin Cook was taken to the echo lab?

3

A. I don't recall. I wasn't even

4

aware that he went for an echo that night until the

5

other day.

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Q. When did you learn that he was
taken to the echo lab?

A. When you told me.

Q. During the course of our inter-
view?

A. Yes.

Q. What did you do when you left
the nursing station having completed your notes?

A. I either went to Room 418 or 426.

Q. That was to do the vital signs
on your children?

A. That's correct.

Q. Did you actually start your
vital signs?

A. I can't recall exactly.

Q. Did anything unusual occur while
you were in 418 or 426 looking at your patients,
observing your patients?

A. You mean on the floor?

Q. Yes.

A. The alarm was going off in 423.

Q. Again, Allana Miller's room?

A. That's correct.

Q. And we know that you were
at the nursing station making your notes and taking



1
2
3 report; we know that you had three patients in 418
4 which is immediately adjacent to the nursing station;
5 we know that you had one patient as well in 426.

6 A. Yes, at the very end of the hall.

7 Q. At the very end of the hall
8 towards the elevator, is that correct?

9 A. That's correct.

10 Q. And Allana Miller was in Room
11 423 immediately adjacent to Room 426.

12 A. That's correct.

13 Q. So that to get to Room 426 where
14 your patient was, from Room 418 or into the nursing
15 station, you had to pass Room 423.

16 A. That's right.

17 Q. Do you recall when you left the
18 nursing station, and when you were on the way to 426
19 to see the patient in that room, observing anyone in
20 Allana Miller's room?

21 A. I can't recall seeing anyone in
22 the room.

23 Q. Do you have a specific recollec-
24 tion of having gone into 418 where your two patients
25 were at that time after you left the nursing station?

A. I can't recall which room I
went into first, but I think I did go into 418 first.



1

2

3

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Q. When you were in 418 do you recall whether or not Susan Nelles was there?

4

A. I can't recall.

5

6

Q. Do you recall whether or not Justin Cook was there?

7

A. I can't recall.

8

Q. Was there a bed there in the position where Justin Cook's bed was?

9

A. I can't say for sure.

10

11

Q. What did you do when you heard the alarm go off in Room 423?

12

13

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A. On one occasion I went down to the room. I can't remember if it was on when I was en route to Room 426 or coming back. I went into the room to answer the alarm but I can't recall what time it was.

16

17

18

19

Q. You have told me you don't recall whether Susan Nelles was in 418, or whether Justin Cook was there, or indeed whether his bed was there, do I have that correctly?

20

A. That's correct.

21

22

Q. Do you in fact remember seeing Susan Nelles at that point within 15 minutes of having gotten up from the nursing station?

23

24

25

A. I don't remember seeing her.



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Q. Do you recall being interviewed,
I am sure you do, you have mentioned it earlier, by
the Metropolitan Toronto Police on March 25th, 1981?

A. That's correct.

Q. And as well on April 7th, 1981
with respect to the events concerning Allana Miller's
death?

A. That's correct.

Q. Do you recall telling the officers
who interviewed you that you thought it was about
midnight when you left the nursing station to go to
your patients' rooms?

A. Yes.

Q. Do you recall telling them as
well at that time that Justin Cook was still being
admitted?

A. That's correct.

Q. Do you remember saying that?

A. Yes, I do.

Q. Do you remember in fact whether
he was or he was not?

A. I presume when I was coming back
downstairs to pick up patients on 4A and Sue was
assigned to admit Justin Cook, that she was admitting
the child.



1
2 Q. I'm sorry, we are talking now
3 about the period when you left the nursing station
4 having completed making your notes and having
5 completed receiving report from Phyllis Trayner, you
6 told us that you went into Room 418 and 426 and you
7 can't remember which.

8 A. Okay.

9 Q. And you think it was likely 418.
10 My question to you now is, in light of what you
11 reported as having told the police, do you in fact
12 remember whether or not Justin Cook was still being
13 admitted at that time by Susan Nelles?

14 A. I can't say for sure.

15 Q. I would like to refer you to your
16 evidence at the preliminary hearing again, Volume 7,
17 and could I ask you to look at page 1499.

18 A. I have it.

19 Q. I'm sorry, perhaps I can start
20 at the bottom of page 1498.

21 A. Okay.

22 Q. You were asked:

23 "Q You checked your children at
24 midnight, didn't you check vital signs
25 of the children that you had on
418 and 426?



1

6

2

A. Yes.

3

Q. All right. At that time at

4

midnight Justin Cook was still being

5

admitted by Susan Nelles, is that right?

6

A. I don't remember how long it took
her to admit him."

7

Do you recall saying that?

8

A. Yes, I do.

9

Q. Was that true at the time?

10

A. Yes, it was.

11

Q. Do you today, Ms. Brownless, have

12

a clear recollection of how long it took for Justin

13

Cook to be admitted that night?

14

A. I don't know how long it took her

to admit Justin Cook.

15

Q. Do you have today a clear

16

recollection of when you first saw Susan Nelles personally

17

that night?

18

A. No, I don't.

19

Q. Perhaps there is one other matter

20

I should draw to your attention on this issue as well,

that is page 4 of your notes.

21

THE COMMISSIONER: Is this the Miller

22

page?

23

MS. CRONK: I'm sorry, page 4.

24

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THE COMMISSIONER: We don't have any
numbers on these.

4

MS. CRONK: Perhaps we could do that
right now, sir. Could we just number them
consecutively starting at the beginning.

6

THE COMMISSIONER: All right.

7

8

Q. Could I ask you to look again,
Ms. Brownless, at page 4, please.

9

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THE COMMISSIONER: Just for everybody's
information I have numbered the last page 7 which
means the back of page 6 is not numbered at all.
This is just to confuse everybody. I'm not going to
start numbering one page and not numbering any of
the others. That was one of those major problems
and that is the way I solved it.

15

MS. CRONK: Thank you, sir.

16

17

Q. Do you have page 4, Ms.
Brownless?

18

A. Yes, I do.

19

20

Q. There is reference in your
personal notes, is there not, to Susan admitting Justin,
two-thirds of the way down on your notes on that page.

21

A. Yes, I see it.

22

23

Q. Does that refer to Susan Nelles
and Justin Cook?

24

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A. Yes, it does.

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Q. There is no mention of any time
there in your notes, is there?

5

A. No, there is not.

6

7

Q. There is however mention immediately
above that of another episode involving Dr. Soulioti
and Mike, is that Mike Schaffer?

8

A. That's correct.

9

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Q. We will discuss that in a few
moments. When you made these notes concerning Miller,
were you making them in order of the time when the
events occurred, as best you could, or do you now
recall?

14

15

A. I don't recall making them in
order, I think I wrote them down as different events
happened.

16

17

Q. Were you simply trying to list
everything that you could remember from that night?

18

A. That's correct.

19

20

Q. Now you have told us that you did
hear the alarm around midnight going off in Allana
Miller's room.

21

A. Yes.

22

23

Q. I may have asked you this,
and if so I apologize. What did you do when you heard

24

25



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the alarm going off?

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A. I went into the room on one occasion that I can remember, to check why the alarm was going off. I checked the alarm, listened to the child's apex, not for a full minute, just briefly to see if her heart was still beating, it was, and I can't recall if Phyllis was either in the room or coming in right behind me.

Q. Can I stop you there for a moment. You have told us around midnight, as best you can recall it, although it may be a little after midnight or a little before it you left the nursing station and went to 418 and 426, but you don't know which one first.

A. That's right.

Q. And that is when you heard the alarm going off in Allana Miller's room?

A. That's right.

THE COMMISSIONER: This is the alarm, one of the monitoring alarms, is it, it is not the buzzer.

THE WITNESS: No, the cardiac alarm.

Q. And when you heard, on that occasion, the cardiac monitor go off in Allana Miller's room, did you then go into Allana Miller's room?



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A. As best to my recollection, yes.

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Q. You have told me, I think, that you can't remember whether Phyllis Trayner was right behind you, or was with you, or was there in the room when you went in, is that right?

A. That is correct.

Q. Do you today sitting here have any recollection as to whether or not Mrs. Trayner was in Room 423 when you went into that room?

A. I can't recall.

Q. Once again I would like to refer you to your evidence at the preliminary hearing, Volume 7, page 1499, the same page that we are on. Do you have that?

A. Yes, I do.

Q. Starting at about line 18, and the question:

"Q. And I am suggesting to you, when you went in there after midnight two or three times, Susan Nelles was not there?

A. I couldn't say.

Q. You couldn't say? At one point when you went into Room 423 to respond to this monitor Phyllis Trayner was



11 1
2 behind you?

3 A. That's right.

4 Q. Well, didn't Phyllis Trayner
5 on that occasion check the monitor?

6 A. That's right. "

7 Do you recall being asked those questions and giving
8 those answers?

9 MR. ROLAND: To be fair to the witness,
10 I shouldn't stand up because I am not counsel, but
11 that is in reference to the earlier question when she
12 said she went in two or three times. Now, this, that
13 suggestion put by Mr. Cooper may not be the occasion
14 we are talking about because the witness has already
15 said it is two or three times she went in Allana
16 Miller's room. Ms. Cronk is identifying one particular
17 time I gather first in the series.

18 MS. CRONK: I understand that, sir,
19 and there is a difficulty --

20 MR. ROLAND: But you are leaving the
21 impression, Ms. Cronk, with this witness there is
22 some inconsistency here and it doesn't seem to me
23 there is from reading that page.

24 MS. CRONK: Well, sir, I haven't left
25 the area yet.

THE COMMISSIONER: No.



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MS. CRONK: And there is a difficulty, which will become apparent, that may very easily be explained between some of the evidence that the witness has given at the preliminary hearing and some of the information that she has provided to the police and provided here. If Mr. Roland will bear with me perhaps and perhaps not, we can get to the bottom of this.

THE COMMISSIONER: Yes, all right, carry on.

Q. Bearing in mind what exchange has just occurred, do you recall being asked those questions and giving those answers at the preliminary hearing?

A. Yes, I recall the questions and answers.

Q. And do you recall as well being interviewed by the Metropolitan Toronto Police on March 25th and April 7th in respect to Allana Miller, and we have talked about that interview already.

A. Yes.

Q. Do you recall being asked by the police at that time concerning when - the occasions when you went into Allana Miller's room.

A. I'm sorry, would you repeat that



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question?

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Q. Do you recall it coming up in the course of that meeting, the occasions when you went into Allana Miller's room?

6

A. Yes, I remember it coming up.

7

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9

10

Q. Do you recall telling the police at that time when you went into Allana Miller's room, at around midnight, when you heard the alarm going off that Phyllis Trayner was either behind you or already there?

11

A. That's correct.

12

Q. Do you recall saying that?

13

A. Yes, I do.

14

Q. And that is what you said here a few moments ago.

15

A. That's correct.

16

17

18

19

Q. I would ask you to take a look at your personal notes with respect to Miller; and you will see about the 9th or 10th line down the reference:

20

"Phyllis always right behind me."

21

Do you see that?

22

A. Yes, I do.

23

24

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Q. My question to you in light of those various statements in your notes, Ms. Brownless,



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is simply this: when you went into Allana Miller's room shortly after midnight, having heard her alarm go off, do you now recall where Phyllis Trayner was?

A. No, I don't.

Q. Do you now recall whether she was also in the room at that time?

A. I can't say for sure.

Q. What is your best recollection as to who was in the room?

A. Phyllis was in there but I can't say if she got there before or after me.

Q. Do you recall anyone else being there?

A. I don't recall.

Q. What did you do when you entered the room?

A. Like I said before, I checked the child's apex, not for a full minute, just briefly, and everything was fine, and I left the room after that.

Q. How long would you say you were in the room?

A. Not even a minute.

Q. What did Phyllis Trayner do while she was in the room?



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A. She checked the strip on the cardiac monitor, observed Allana, and I can't recall what else.

Q. Who left the room first?

A. I can't recall.

Q. Do you know when Phyllis Trayner left the room?

A. No, I don't.

Q. Is it possible she left with you?

A. There is a possibility, yes.

Q. Is it also possible she was still in the room when you left?

A. Yes.

Q. At any time when you were there with Phyllis Trayner on this occasion, did you see her administer any medication to Allana Miller?

A. No, I didn't.

Q. Do you have any recollection at all as to when you next saw Phyllis Trayner?

A. No, I don't.

Q. Did anyone else come into the room when you were there?

A. I don't recall.

Q. Did you see Bertha Bell in the room at that time?



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2

A. I don't recall.

3

Q. Did you notice when you were in

4

the room if there was a sticker attached to Allana
Miller's buretrol?

5

6

A. I don't recall looking at her
I.V. setup.

7

8

Q. I take it you don't remember
whether the I.V. was running or not.

9

A. That's correct.

10

11

Q. What was Allana Miller's condition
when you left the room that time?

12

13

A. I don't recall, I wasn't concerned,
otherwise I wouldn't have left the room.

14

15

Q. She didn't appear to be in
grave condition then at that time?

16

17

A. I remember she was pale and
lethargic, but I don't recall anything else.

18

19

Q. I take it there was no arrest
call at that point.

20

21

A. That's correct.

22

23

Q. What did you do when you left
the room?

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A. I went to check, or do things with
my own children, I can't recall what I did after
that.



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21

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25

Q. I take it that around that time there would have been vital signs to be taken if you had not completed them before you went into Allana Miller's room?

A. That's correct.

Q. Were there also children, your patients, that required feeding at that time?

A. There is a possibility, yes.

Q. Do you recall going back into Room 418 some time then after leaving Miller's room?

A. That's correct.

Q. At that point in time do you remember whether or not Justin Cook was there?

A. I can't say for sure.

Q. Did you hear Allana Miller's alarm go off again over the next hour or so?

A. Yes, I did.

Q. Do you recall now what time it was?

A. I can't give you a definite time, no.

Q. You have told us - you told me earlier that you heard it go off and you were in the room on a number of occasions, several occasions.



18

1

2

A. Two or three occasions.

3

Q. That is what you testified to at

4

the preliminary hearing we have seen as well.

5

A. That's correct.

6

Q. When you went back into Allana

7

Miller's room on those two or three occasions

8

after the one close to midnight that you have just

9

described, did you on each occasion do so because

10

you heard the cardiac monitor go off?

11

A. That's correct.

12

Q. Did you see anyone in Allana

Miller's room on either of those occasions?

13

A. There was somebody in there

14

because - I went to the door and I saw nurses in

15

there, but I can't recall who, so I turned around and
went back to my own rooms.

16

Q. Do you recall now who was in the

17

room on those two or three occasions?

18

A. No, I don't.

19

Q. Do you remember seeing Susan

Reaper in the room?

20

A. No, I don't.

21

Q. Do you remember seeing Susan

22

Nelles in the room?

23

A. No, I don't.

24

25



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TORONTO, ONTARIO

Brownless
dr. ex. (Cronk)

6327

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Q. Once again I draw your attention to the statement that you gave to the Metropolitan Toronto Police on March 25th and April 7th. I take it you have seen a copy of that statement.

A. That's correct.



BmB.jc

L 1

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Q Do you recall telling the police on that occasion that between over the next hour or so, that is, after midnight that both Susan Reaper and Susan Nelles attended Allana Miller's room at times?

A I remember telling them, that's correct.

Q Do you today have a recollection of having seen them in Allana Miller's room over the next hour or two following midnight?

A I don't remember seeing them in the room, no.

Q Do you remember seeing Bertha Bell in the room?

A No, I don't.

Q I am going to suggest to you that at the preliminary hearing, again, Volume 7, page 1500, perhaps I can refer you to the passage starting at about line 16:

"Okay. Justin Cook wasn't on constant care, so she wouldn't have to get someone to relieve her if she went in to see how Allana Miller was doing."

THE COMMISSIONER: I take it we are



L.2

1

2

talking about Susan Nelles, are we?

3

MS. CRONK: We are, sir.

4

THE COMMISSIONER: Yes, all right.

5

MS. CRONK: "A. That's right.

6

"Q. Okay. And isn't it true that
at one point Susan Reaper went in
to see Allana Miller in 423?

8

"A. That's right.

9

"Q. And perhaps Bertha Bell was
in there once?

10

11

"A. I'm sure she was.

12

"Q. You're sure she was. Once, or
more than once?

13

"A. I'm not sure how many times.

14

"Q. Well, a number of nurses were
in and out to see Allana Miller
because this monitor kept going off,
isn't that right?

15

16

17

"A. That's right.

18

"Q. And between 1 a.m. and 2 a.m.
this monitor in Allana Miller's room
kept going off, frequently, isn't
that right?

19

20

21

"A. Yes."

22

Do you recall giving that evidence,

23

Ms. Brownless?

24

25



L.3

1

2

A. Yes, I do.

3

4

5

6

7

8

At any time when you were in Allana Miller's room after midnight, after the occasion that you have described with Phyllis Trayner, up until, let's make it first 2 o'clock in the morning, at any time during those two hours did you observe anyone administering any medication to Allana Miller?

9

A. No, I didn't.

10

11

12

13

14

15

A. I can't recall.

16

17

18

19

Q. Between those two hours, and again leave aside for a moment the episode that you placed as best you can around midnight when you saw Phyllis Trayner in the room, leave that aside for the moment, during those two hours did you ever again see Phyllis Trayner in Allana Miller's room?

20

A. I have it.

21

22

23

24

25

Q. The Medication and Treatment record for Allana Miller indicates that at 1 o'clock in the morning, that would be on the 21st of March, 1 o'clock in the morning, that a child received a



L.4

1

2

dose of gentamicin intravenously. Do you see that?

3

A. Yes, I do.

4

5

6

7

8

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Q. It was suggested in evidence here that although Susan Nelles signed off for that medication it may in fact have been given by Mrs. Trayner. My question to you, if you recall, was whether or not between the episode at 12 o'clock and 2 o'clock in the morning you observed anyone administering any medication to Allana Miller and you have told me no.

A. That's correct.

Q. Looking at the medical treatment record and seeing that there was a dose of gentamicin that was apparently given to the child at approximately 1 o'clock in the morning, do you now recall, does that assist you in any way as to whether or not you saw anyone administering any medication to this child during those two hours?

A. I never saw anyone give any medication.

Q. At some point when you were in Room 418 that night did Phyllis Trayner enter that room while you were there?

A. Yes, she did.

Q. For what purpose?



L.5

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A. To tell Michael Schaffer and Alexis - I can't remember her last name - the condition of Allana Miller.

Q. All right. Was Alexis, Dr. Alexis Soulioti?

A. That's correct.

Q. Were they both in Room 418 at this time?

A. That's correct.

Q. What were they doing in that room?

A. I can't recall what they were doing.

Q. And what did Phyllis Trayner tell them?

A. Allana Miller's condition at the time and if they could come down and see her.

Q. Do you recall what she said about Allana Miller's condition?

A. That her apex was dropping; that's all I can recall.

Q. Do you recall what time this episode occurred?

A. Not exactly, no.

Q. Do you recall whether it was a



L.6

1

2

3

4

long time after that or a short time after that that
Allana Miller had an arrest and that the resuscitation
team was called for her?

5

A. It was a short time afterwards.

6

7

Q Are we talking a matter of
minutes, are we talking 10, 15, 20 minutes, can you
help me at all?

8

9

A. Talking close to a half hour,
a short time after.

10

11

Q It could be as much as a half
an hour?

12

A. That's correct.

13

14

Q And what did Dr. Soulioti and
Dr. Schaffer do when Mrs. Trayner came into Room 418
and told them Allana Miller's apex was dropping?

15

16

A. They left the room, I don't
know where they went.

17

18

Q All right. Did Mrs. Trayner
leave the room or did she remain in Room 418?

19

A. She left the room.

20

21

Q Do you remember who else was
in Room 418 at the time?

22

A. Susan Nelles.

23

24

25

Q All right. And what was
Ms. Nelles doing?



L.7

1

2

A. She was attending to Justin Cook.

3

Q. Was Mrs. Christie in 418?

4

A. I can't recall for sure.

5

Q. Do you recall anyone else

being there?

6

A. I can't recall for sure.

7

Q. All right. You have told me

8

that the doctors left and Mrs. Trayner left, what

9

happened next?

10

A. I can't recall if I stayed in

11

the room for a while, fed a baby, or went to the

12

nursing station.

13

Q. Did you again that evening

14

hear the cardiac monitor in Allana Miller's room
going off?

15

A. Did I hear it again?

16

Q. Yes.

17

A. Yes.

18

Q. When was that?

19

A. I can't give you an exact time.

20

Q. Was that after this discussion

between Phyllis Trayner and Dr. Soulioti and Dr.
Schaffer?

22

A. I can't recall.

23

Q. All right. Did you at some

24

25



L.8

1

2

point hear a Code 23 being called on this child?

3

A. No, I can't recall a Code 23

4

being called.

5

Q. Do you recall at some point

6

observing people running into or rushing into Allana
Miller's room?

7

A. Yes, I do.

8

Q. And how long after this episode

9

or this discussion with Phyllis Trayner, Dr. Soulioti
and Dr. Schaffer did you observe that?

10

A. Approximately a half hour.

11

Q. All right, and what did you

12

do when you saw that?

13

A. I was instructed to call a

14

Code 25.

15

Q. Do you recall who asked you

16

to do that?

17

A. No, I don't.

18

Q. And did you call it?

19

A. Yes, I did.

20

Q. What did you do next?

21

A. I went down to the room to see

if they needed any help.

22

Q. You are referring now to

23

Allana Miller's room?

24

25



L.9

1

2

A. That's correct.

3

Q. Did you remain in the room to
assist?

4

5

6

7

8

9

10

11

A. Like I said earlier I wasn't
sure if it was Janice Estrella or Allana Miller if
I was asked if I wanted to write or record during the
cardiac arrest and I said no and I didn't stay in
the room, I left the room to tend to the children on
the floor.

12

Q. Well, who was in the room when
you went down?

13

14

A. I can't recall for sure.

15

16

17

Q. Do you remember whether or not
Dr. Soulioti and Dr. Schaffer were there?

18

19

MR. OLAH; What page?

MS. CRONK: Page 1433.

20

21

22

23

24

25

Q. Do you have that, Ms. Brownless?

A. Yes, I do.

Q. All right. Ms. Brownless, I
would like you to read with me, starting at about
line 5 you were asked this question, this is with



L.10

1

2

Allana Miller:

3

"Q. You went back in when they
called the arrest?

4

5

"A. Um-hum.

6

"Q. All right, and do you recall
what time that would be, Miss
Brownless?

7

8

"A. Just in the early hours of the
Saturday.

9

10

"Q. The early hours of Saturday
morning. And when you went in there
who was there?

11

12

"A. Um, Phyllis and Sue.

13

14

"Q. Phyllis Trayner?

15

"A. Um-hum.

16

"Q. Sue Nelles?

17

"A. Yes.

18

"Q. Yes? Who else?

19

"A. Um, I'm not sure if Bertha Bell
was or not."

20

And then further down;

21

"Q. All right. And you're not sure
whether she was there. Any doctors
in there at that time, or do you
recall?

22

23

24

25



L.11

1

2

"A. I don't recall.

3

"Q. All right. And what were these
nurses doing when you went in?

4

5

"A. Starting C.P.R. on Allana Miller.

6

"THE COURT: Starting what?

7

"A. C.P.R.

8

"Q. What does that mean?

9

"A. Cardiopulmonary resuscitation."

10

Do you recall being asked those
questions and giving those answers, Ms. Brownless?

11

A. Yes, I do.

12

Q. With the benefit of that

13

evidence in front of you do you now recall whether
or not there were any physicians or any other nurses
in Allana Miller's room when you went in?

14

15

A. I know there were nurses in

16

there but I can't recall which ones.

17

Q. Do you specifically recall

18

seeing Phyllis Trayner and Susan Nelles in there at
that time?

19

A. I can't say for sure now.

20

Q. You have told me that you only

21

stayed in Room 423 I thought you said for a minute
or two, is that correct?

22

23

A. That's correct.

24

25



L.12

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Q And you then went out to attend
to the other patients?

A That's correct.

Q Did you have any other involve-
ment in the arrest and resuscitation procedures
undertaken for Allana Miller?

A During the arrest going on?

Q Yes.

A No, I didn't.

Q Did you perform any other
function to assist the arrest team while you were not
in the room but on the ward?

A I just looked after the children
on the ward.

Q Did you have any involvement
in directing the arrest team into her room?

A Yes, I did.

Q Did you take her chart into
her room?

A I don't recall.

Q Did you at any time prior to
the child being pronounced dead see any physician
administer any medication to this child?

A No, I didn't.

Q You did not see then any of



L.13

1

2

the drugs that were administered or may have been
administered to her during the resuscitation effort?

4

A. That's correct.

5

6

Q. Nor any drugs that may have
been administered prior to the arrival of the arrest
team?

7

A. That's correct.

8

9

Q. Did you have any involvement
with the child after she was pronounced dead?

10

A. Yes, I did.

11

12

Q. All right. Can you tell me
please what you did?

13

A. I helped Sue wash the child up
and prepare for the morgue.

14

Q. Anything else?

15

A. I can't recall.

16

17

Q. Did you take the child to the
morgue?

18

A. No, I didn't.

19

Q. Who did that?

20

A. Susan did.

21

Q. Did you have any involvement in
helping clean up the room?

22

A. I don't recall.

23

Q. What was your own reaction to

24

25



L.14

1

2

the death of Allana Miller?

3

A. I was upset.

4

Q. Were the other nurses on the
5 floor upset?

5

6

A. Yes, they were.

7

Q. Was Susan Nelles upset?

8

A. Yes, she was.

9

Q. Do you know whether she was
9 crying or whether she wasn't?

10

A. I can't say for sure if she was
11 crying or not. I'm pretty sure she was.

11

12

Q. What about Mrs. Trayner, was
13 she upset as well?

13

14

A. Yes, she was.

15

Q. And Mrs. Christie?

16

A. I don't recall what Mrs.
16 Christie's response was.

17

18

Q. Did you see anything at all
18 that night, the night Allana Miller died that you
19 regarded as unusual or out of the ordinary?

19

20

A. No, I didn't see anything
20 unusual.

21

22

Q. Did you participate in any
22 discussions following her death or did you overhear
23 any in which it was suggested by anyone that there

23

24

25



L.15

1

2

may have been something unusual about her death?

3

A. No concerns were discussed

4

with me.

5

Q. Do you recall anyone suggesting

6

at any time after her death, whether it would be a

7

physician or a nurse, that digoxin toxicity may have
contributed to her death?

8

A. I wasn't aware.

9

Q. I'm sorry?

10

A. I wasn't aware of dig. toxicity

11

with Allana Miller.

12

Q. Well, do I take that to mean

13

that you didn't hear that being suggested by anyone?

14

A. That's correct.

15

Q. Did you discuss her death

16

later that morning with Bertha Bell?

17

A. I don't recall.

18

Q. Do you remember discussing

19

her death later that morning or subsequently with
Dr. Schaffer?

20

A. No, I don't recall.

21

Q. Could we turn then to the events

22

of the next night, March 21st, '81, and again I would
ask you to look at Exhibit 32A, Tab 13.

23

THE COMMISSIONER: Do you think we

24

25



L.16

1

2

could get some preliminaries on this?

3

MS. CRONK: I thought I would try, sir.

4

THE COMMISSIONER: Another kind of
witching hour.

5

6

MS. CRONK: Page 178 to 179, Ms.
Brownless.

7

8

THE COMMISSIONER: 13, is it?

9

MS. CRONK: Yes, Tab 13.

10

Q This is the duty roster if you
will for the long night shift on the Saturday night,
March 21st?

11

12

A That's correct.

13

Q As I read it, Mrs. Trayner was
again on duty in charge with one patient in Room 426?

14

15

A That's correct.

16

Q Ms. Nelles was on duty and
appears to have had constant care of Justin Cook in
Room 418 that night?

17

18

A That's correct.

19

Q Mrs. Christie was on duty and
had three patients in Room 425, one in Room 418 and
two in 421. Do I have that correctly?

20

21

A That's correct.

22

Q You yourself were on duty on
the long night shift and you had four children in
Room 418?

23

24

25



L.17

1

2

A. That's correct.

3

Q. On the basis of these entries

4

am I correct in concluding, Ms. Brownless, that there was full occupancy in Room 418 that night, that is, six children, and that there were in fact three nurses assigned to patients in that room during the course of that shift?

8

A. That's correct.

9

Q. Ms. Nelles, Mrs. Christie and

10

yourself?

11

A. That's correct.

12

Q. Could I ask you to turn if you

13

would then to Tab 18. This is the 4B assignment book and I would ask you to look at page 10 and 11.

14

A. I have it.

15

Q. And again I direct your

16

attention to the long night nursing shift. It

17

appears that Mrs. Bertha Bell was the nurse in charge

18

that night and she had one patient in Room 437?

19

A. That's right.

20

Q. Ms. Reaper was working that

21

night, the long night shift, and had six patients in three different rooms?

22

A. That's correct.

23

Q. Ms. Whittingham was working, she

24

25



L.18

1

2

had three patients in three different rooms?

3

A. That's correct.

4

Q. And Ms. Lyons had four patients

5

in Room 431?

6

A. That's correct.

7

Q. Am I correct that that is

8

exactly the same nursing team both on Ward 4A and

9

on 4B that were on duty the prior night when Allana
Miller died?

10

A. That's right.

11

Q. And your four patients we have

12

seen were in Room 418. Do you recall now where in

13

Room 418, which beds contained your patients?

14

A. I can recall where two of the

15

children were.

16

Q. All right. Could I ask you to

17

turn - I am not sure what it's numbered now, I don't

18

think it is numbered. It is the drawing contained

in your personal notes.

19

THE COMMISSIONER: It's page 6. It

20

is the reverse that didn't get numbered.

21

MS. CRONK: I see, thank you.

22

23

24

25



M
DM/PS

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25

Q. You have told me that the diagram on the bottom of this page is a sketch that you made of room 418.

A. That's correct.

Q. And we see three beds on the east side and three beds on the west side.

A. That's correct.

Q. And you have marked Justin Cook as being in the middle bed, is that on the - logically it is on the east side.

A. That is correct.

Q. Where were your patients in relation to the six beds you have shown in the diagram?

A. On either side of Justin.

Q. On the east side?

A. Yes. And the two beds beside one another on the west side.

Q. You are pointing to the top two beds on the west side?

A. Yes, the door is right there.

Q. You are pointing to the bottom, the south?

A. That's right.

Q. And then the last bed on the



1
2 west side held Mrs. Christie's patient?

3 A. That's right.

4 Q. You have also made a notation of
5 a TV, do you see that?

6 A. Yes, I do.

7 Q. It appears to me that is
8 immediately above Justin Cook's bed, that is where
9 you have written it in.

10 A. That's correct.

11 Q. Where exactly was the TV in that
12 room?

13 A. It is directly above his bed,
14 about two inches from the ceiling.

15 Q. Is it set up on a platform of
16 some kind?

17 A. Yes, it is.

18 Q. And what is the word that you have
19 written in beside the word TV?

20 A. Conference, that is just where
21 the windows are in the conference area where we have
22 coffee all the time.

23 Q. Now by that you mean the patient
24 conference area in the nursing station?

25 A. That's right.

Q. There are three short lines that



1
2 you have drawn, one immediately in front of each bed
3 that you have shown on the east side, are those the
4 three observation windows that face from Room 418
5 out into the patient conference area of the nursing
6 station?

7 A. That's correct.

8 Q. Do you recall on the night of
9 March 25th when you reported for duty, at first when
10 you went into Room 418, whether or not the blinds
11 on those windows were open or shut?

12 A. I can't recall.

13 Q. Do you recall at any point
14 that night observing them shut, one way or the other,
15 do you know?

16 A. I can't say one way or the other.

17 MS. CRONK: Sir, perhaps it would be
18 preferable to break now.

19 THE COMMISSIONER: Yes, all right.
20 We will rise until 2:15.
21 ---Luncheon recess.
22
23
24
25



AA
DM/PS

---Upon resuming at 2:25 p.m.

THE COMMISSIONER: Yes, Ms. Cronk.

MS. CRONK: Thank you, sir.

Q. Ms. Brownless, before we broke for lunch we were discussing the nurses that were assigned to long night duties on the night of Saturday, March 21st. We had established that that night you were assigned to the care of four children in Room 418; do you recall that?

A. That's correct.

Q. Can you tell me please what condition your children, your patients were in at the start of that shift?

A. As far as I remember they were very stable.

Q. Did you arrive at your normal time that evening?

A. Yes, I did.

Q. That would be approximately 7:00?

A. That's correct.

Q. Did you take report as you normally do?

A. Yes, I did.

Q. When was the first time that you were in the room to which your children were assigned,



1

2

that is, Room 418?

3

A. About 10 to 8, 8:00.

4

Q. Do you recall now having been told anything about Justin Cook's condition when you took report that evening?

5

6

A. That he was on constant care is the only thing I remember.

7

8

Q. Did you know at that time, that night, whether or not Justin Cook had been prescribed digoxin?

9

10

A. I did not know.

11

12

Q. You have told us that you were in Room 418 for the first time with your patients at about 10 to 8 that night?

13

14

A. Yes.

15

16

Q. When were your children due to be fed?

17

18

A. I can't recall off-hand, if I can refer to those notes I made.

19

20

Q. That's fine.

21

22

A. At 8, 8:30, 10 and 10:30.

23

24

Q. Was there one that was due to be fed at 8:00 as well, according to your handwritten notes?

25

26

A. Yes.

27

28



Q. When you went in the room at about 10 to 8 did you proceed to take their vital signs and commence feedings on those four children?

A. Yes, I did.

Q. When you first went into Room 418 I take it Justin Cook was there?

A. That's correct.

Q. Was Susan Nelles there at that time?

A. Yes, she was.

Q. When you first entered the room and saw your own patients and Justin Cook and Susan Nelles, did you see anything taped to Justin Cook's bed?

A. Yes, I did, on the inside of his bed I saw an ampule and a syringe taped.

Q. Can you tell me now what size the syringe was, or do you recall?

A. I don't recall.

Q. When you say it was on the inside of the bed, was it at the foot of the bed or the head end of his bed?

A. The foot.

Q. What kind of bed was he in?

A. He was in a crib size.

Q. You have told us where that bed



4 1
2 was, and you have told us that there was one ampule
3 and one syringe taped to the bed, was the ampule
4 broken or was it full?

5 A. I can't recall.

6 Q. Did you actually look at the
7 ampule and the syringe?

8 A. Yes, I did.

9 Q. Why did you do that?

10 A. Because that is the first time I
11 had ever seen an ampule taped to the end of the bed
12 and I was just curious what it was.

13 Q. What did you observe when you
14 went to look at the ampule and the syringe?

15 A. I read what it was and it was
16 Inderal.

17 Q. That is on the ampule?

18 A. Well, propranolol, Inderal is
19 the same thing, I can't remember exactly if it said
20 propranolol or Inderal, but I know that's what it
21 was.

22 Q. When you said you read it, are
23 you referring to reading the lettering on the ampule?

24 A. Yes.

25 Q. Did you observe any markings or
any writings on the syringe?



1

2

A. I can't recall.

3

Q. You told us that you never before

4

had seen, as I understood what you just said, an

5

ampule or medication taped to a child's bed, is that correct?

6

A. That's correct.

7

Q. And in your experience then that

8

was unusual?

9

A. Yes.

10

Q. Did you inquire of Susan Nelles

11

why it was there?

12

A. I don't think I inquired, no.

13

Q. Did you have any discussion with

14

her about it at all?

15

A. No, I don't think I did.

16

Q. Did you inquire of your head

17

nurse that night why it was there?

18

A. No, I didn't.

19

Q. Did you notice any other medica-

20

tion in Justin Cook's room other than that ampule and syringe taped to the inside of the bed?

21

A. I didn't notice any other medica-

22

tion.

23

Q. We have heard evidence from another

24

witness that there may have been one or two ampules of

25



6

1

2

Inderal on a bedside table near Justin Cook's bed;
did you notice anything of that kind?

3

4

A. No, I didn't.

5

6

7

Q. You have told us that there was
a TV in Justin Cook's room sitting on a platform
above his bed, was the TV on at the start of the
shift?

8

9

10

A. I am not sure if it was on
at the start but I know it was on some time during the
evening.

11

12

Q. When you say during the evening,
was that before or after your break?

13

A. Before.

14

15

Q. How long did it take you to
feed the four children to whom you had been assigned
in Room 418?

16

A. To approximately 10:30, 11:00.

17

18

Q. What did you do after you completed
their feedings?

19

A. Had a coffee.

20

Q. Took a coffee break at that
time?

21

A. That's correct.

22

23

Q. While you were in the course of
feeding your children - can you tell me first of all

24

25



1
2 what kind of feedings were they on?

3 A. Formula.

4 Q. Were the formula bottles in
5 Room 418, or were you required to go outside the room
6 to fetch them?

7 A. Some of the formulas were kept
8 in the fridge across the hall, and some of the
9 formulas were kept in the formula cart which is down
10 the hall across from 431.

11 Q. When you say some were kept in
12 the fridge across the hall, are you referring to the
13 kitchen?

14 A. Yes.

15 Q. And that is Room, if you look
16 at the layout, can you identify the room for us?

17 A. 416.

18 Q. That is 416 labeled as the
19 pantry?

20 A. Yes.

21 Q. And where were the other formula
22 bottles kept?

23 A. In the linen room which would be
24 428, down to where the holding cart, if you go further
25 down.

Q. Then I take it then that



1
2 at various times during the period 8:00 until 10:30
3 or 11:00 at night you were in and out of Room 418 to
4 fetch the formula, and I assume whatever other supplies
5 you needed, is that fair?

6 A. Yes.

7 Q. Do you recall now when exactly
8 it was that you began your first coffee break
9 of the evening?

10 A. Not precisely, approximately
11 around 10:30 - 11:00.

12 Q. Where did you go for your break?

13 A. The same area I always go to,
14 the back of the nursing station where 4B gets report.

15 Q. Do you recall now who you took
16 your break with, whether there was anyone else at the
17 nursing station?

18 A. Not at that time, I don't recall.

19 Q. Could I refer you again to your
20 personal notes at the bottom of page 1 and the
21 beginning of page 2. Just a general question first,
22 you will recall that I asked you with respect to
23 page 4 of your notes regarding Allana Miller, whether
24 you had attempted in making your notes to set out
25 events in a chronological order, or whether you had
attempted merely to set out everything you could



dr. ex. (Cronk)

1
2 remember about that night. You told me as I
3 recall it that you were simply trying to set out
4 everything that you could remember, do I have that
5 correctly?

6 A. That is correct.

7 Q. Would you agree with me that
8 that doesn't appear to be the case with the notes con-
cerning Justin Cook?

9 A. That's correct.

10 Q. These appear to be set out in a
11 time or chronological sense.

12 A. Yes, as best I could recall them,
13 yes.

14 Q. I draw your attention to the bottom
15 of page 1, the entry for 10:45 in the evening when you
16 indicate that you started to feed Robin, I take it
that child was one of your four patients.

17 A. That's correct.

18 Q. And vital signs; and then wen
19 to get bottle, I take it that is went to get bottle from
20 linen room.

21 A. That's correct.

22 Q. In fact were any bottles kept
23 in the linen room?

24 A. The linen room is the holding cart
25



10 1
2 further down.

3 Q. Then on the next page your
4 entry for 11:15 p.m., you indicate that you went for
5 coffee in the 4B conference area, and I take it that is
6 the patient conference area at the back of the nursing
7 station.

8 A. That's correct.

9 Q. You will note that your time there
10 is 11:15, do you see that?

11 A. Yes, I do.

12 Q. To the best of your recollection
13 now can you assist me any further as to what time it
14 was exactly that you commenced that first coffee
15 break?

16 A. Approximately around 11.

17 Q. You think then your notes and
18 the recording of it is some 15 minutes off?

19 A. Yes.

20 Q. Did you see anyone in Room 418
21 before you took your first coffee break, other than
22 Susan Nelles?

23 A. Some - a doctor, I can't remember
24 his name, and Phyllis.

25 Q. Can we deal with the doctor first.
What was he doing in Room 418 when you observed him



11

1

2

there?

3

A. He just came in to check on

4

Justin.

5

Q. Was Susan Nelles there at the

6

time?

7

A. Yes, she was.

8

Q. How long was he in the room?

9

A. I can't recall.

10

Q. When did Phyllis Trayner come into

the room?

11

A. I can't recall what time exactly.

12

She could have been going my meds so it could

have been around 9:00.

13

Q. And we know that you could not

14

have given, according to the rules in the hospital,

15

your medications to your children that night, is it

16

your recollection that Phyllis Trayner gave your

17

medications?

18

A. That is correct.

19

Q. Do you recall whether or not

20

Mrs. Christie was in and out of the room during that

21

period, having regard to the fact that she, too,

22

had a child assigned to that room?

23

A. She possibly was in or out but

24

I don't remember.

25



dr. ex. (Cronk)

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Q. At any time up until 11:00

which is your best recollection as to when you took
your first coffee break, did you see anyone administer
any medication of any kind to Justin Cook?

A. I don't recall seeing any medica-
tion being given.

Q. You don't recall one way or the
other, or you recall that you didn't see it?

A. I didn't see it, sorry.

Q. During that same time period
from 8:00 until 11, did you observe anyone feeding
Justin Cook, to the best of your current recollection?

A. Until 11:00, no, I didn't see
anyone feeding Justin.

Q. How long were you gone on your
first coffee break?

A. I can't say for sure how long.

Q. How long did you normally take
for your first coffee break?

A. Anywhere from 20 to 30 minutes.

Q. Do you still have Volume 7 of
your evidence at the preliminary hearing there, Ms.
Brownless?

A. No.

MR. OLAH: What page, Ms. Cronk?



1

2

MS. CRONK: 1507.

3

Q. Do you have that, Miss Brownless?

4

A. Yes, I do.

5

Q. At the start of the page you were asked this question:

6

"Q. Right. At some point you saw a doctor go into Room 418, some fellow by the name of Roy.

7

8

9

A. That's right."

10

Stopping there for a moment, do you recall giving that evidence?

11

12

A. Yes, I do.

13

Q. Do you now recall that the doctor's first name was Roy, or that his last name was Roy?

14

A. That came in before 11?

15

Q. Yes.

16

A. Roy Jedeikin did come in at one time, but I can't recall if it was close to 11, I know he left the hockey game early to come back to the floor, I'm not sure exactly what time he came.

17

18

19

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BB/BB/ko

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Q. And reading on:

3

"Q. Right. And even while you were on your break after 10:30 that would be sort of a coffee break I take it, 10:30, usually about a half hour?

4

5

6

A. Until I have to start working again.

7

8

Q. Until you have to start working again. Even during your break you went in a couple of times to see your children in Room 418?

9

10

11

A. That's right."

12

13

Now, stopping there, there appears to be the suggestion at that stage of your evidence that you felt that your break might have started at 10:30 that evening. Just to be very clear, is it your best recollection today that you feel it was more likely 11 o'clock than 10:30?

14

15

16

17

A. That's correct.

18

19

MR. OLAH: Excuse me, Mr. Commissioner.

20

Initially the witness said it was some time between 10:30 and 11:00. My friend then put a statement to the witness which seems to suggest 11:15 and then her answer was some time around 11:00. So, I would have thought that the matter was fairly clear. I don't know

21

22

23

24

25



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BB 2

2

why my friend is --

3

THE COMMISSIONER: Well, is it
important, Miss Cronk?

4

5

MS. CRONK: If the witness can help
us. If not, it seems to me --

6

7

THE COMMISSIONER: No, but does it
matter whether it was 10:30 or 11:00?

8

9

MS. CRONK: It will matter in terms
of medications that Justin Cook received, sir.

10

11

THE COMMISSIONER: Well, but she didn't
see any.

12

13

MS. CRONK: Well, I think my friend's
point is well taken. I have had several different
answers.

14

15

16

17

18

19

Q. Simply, it appears from your
personal notes, Ms. Brownless, that the time was
11:15 and it appears that there was some suggestion,
and I put it no higher than that, in your evidence at
the preliminary hearing that it might have been 10:30.
Do you have a clear recollection in your mind at all
as to when you started that break?

20

21

A. It was close to 11:00.

22

Q. Do you recall now when you
returned to Room 418 after your break?

23

24

25

A. Not exactly, no.



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BB 3

Q. We know that Susan Nelles was on constant nursing care of Justin Cook that evening. She would then therefore have had to have been relieved for her first coffee break?

A. That's correct.

Q. Do you know who relieved her and when?

A. Phyllis did.

Q. Do you know when she relieved her?

A. Approximately midnight.

Q. Do you know how long she relieved her?

A. Approximately a half hour, I can't say for sure.

Q. Do you have a clear recollection in your mind that you think she was relieved at approximately midnight?

A. Fairly, because just before I was going to go back in the room I said to Phyllis I was going to take in Sue a coffee and she said don't bother I am going to relieve her shortly.

Q. All right. Did that conversation take place at the end of your own coffee break?

A. Yes, it did.



BB 4

1

2

Q. Were you then on a coffee break,

3

as best as you can recall it, from approximately 11

4

o'clock until midnight?

5

A. No. Oh, sorry, pardon me, I

6

was probably out at the nursing station at the time,
in and out.

7

8

Q. All right. Well, could I ask

you again the same volume, Volume 7 of your evidence,

9

same page, 1507 continuing at about line 15:

10

"Q. Did you see Phyllis Trayner

11

relieve Susan Nelles in respect of

12

the care of Justin Cook around

13

11:15 that evening so that Susan

14

Nelles could have her coffee break?

15

A. Yes, I did.

16

Q. You did. And how long was

17

Phyllis Trayner in with Justin Cook
then?

18

A. I don't -

19

Q. In Room 418 while Susan was gone?

20

A. I don't recall.

21

Q. Usually these breaks are about a
half an hour?

22

A. Usually."

23

You may not be able to help me with this,

24

25



BB 5

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Ms. Brownless, but again there is a suggestion in your evidence at the preliminary hearing that Miss Nelles was relieved at about 11:13. That suggestion was put to you and you agreed with the question as it was put to you. My question to you now is: Do you have a clear recollection in your mind at all as to when Susan Nelles was relieved for that first coffee break by Phyllis Trayner?

A. After I read these notes, the ones that I have made, it is closer to midnight.

Q. All right. There is one other piece of evidence which in fairness I think I should put to you. Phyllis Trayner, as you are probably aware, testified at the preliminary hearing as well; you were aware of that?

A. Yes, I was.

Q. During the course of her evidence, and this is found, sir, at Volume 6, page 1209 to 1210 and in Volume 4 at page 763, she testified that she relieved Susan Nelles for her first coffee break from 10:55 p.m. to close to midnight. I take it that that does not accord with your recollection?

A. That's correct.

Q. All right. After you had finished or completed your own break where did you go?



BB 6

1

2

A. Back into Room 418.

3

Q. What were you doing then?

4

A. Starting to feed and do vital signs on my children.

5

6

Q. All right. And at that point was Phyllis Trayner in the room relieving Susan Nelles?

7

8

A. I can't say for sure.

9

10

Q. All right. Well, we know that

Justin Cook was on constant care?

11

A. That's correct.

12

13

Q. And if Susan Nelles was not in the room someone had to be relieving her and you feel that to be Phyllis Trayner?

14

A. That's correct.

15

16

Q. All right. And you told me I

thought that your best recollection is that she started to relieve Susan Nelles at approximately midnight?

17

18

A. That's right.

19

20

Q. Does it not necessarily flow

from that that if you were back in your room attending to your children after midnight in Room 418 that

21

Phyllis Trayner should have been there relieving Susan, according to what you recall?

22

23

A. That's fair.

24

25



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BB 7

Q. But you don't have a clear recollection that she was there?

A. That's correct.

Q. Do you know how long Phyllis Trayner relieved, as you recall it, Susan Nelles on that coffee break?

A. I can't say for sure but approximately a half hour or more.

Q. Were any of your children due to be fed again starting at approximately midnight?

A. Yes, they were.

Q. All right. And did you commence feeding your own children at that point?

A. Yes, I did.

MS. CRONK: Mr. Registrar, could you show the witness please Exhibit 116 if you would please, that's Justin Cook's medical chart.

THE COMMISSIONER: What page?

MS. CRONK: I am sorry, sir, page 17.

Q. This is the Medication and Treatment Record for Justin Cook, Ms. Brownless. You have told me that between the period 8 o'clock to 11 o'clock that evening you did not observe anyone administering any medications to Justin Cook. You will see from the Medication Treatment Record that at



BB 8

1

2

12:00 midnight he is recorded as having received a
dose of Inderal orally and that it was signed off by
Susan Nelles. Do you see that?

4

5

A. Yes, I do.

6

7

Q. Did you observe Susan Nelles
administer that medication or indeed any medication
to the child at or about 12:00 midnight?

8

A. No, I don't.

9

10

Q. Did you observe Phyllis Trayner
doing so when Susan Nelles was not in the room?

11

A. No, I didn't.

12

13

Q. Do you recall seeing anyone
administer any medication to Justin Cook at or about
12:00 midnight?

14

A. No, I don't recall.

15

16

Q. Did you at any time after you
had returned to the room from your first coffee break
observe anyone feeding Justin Cook?

18

A. Around midnight?

19

Q. Yes. After midnight.

20

A. After midnight.

21

Q. You told me after your first
break. Did you observe anyone feeding Justin Cook?

22

23

A. Phyllis, she was feeding Justin
a clear fluid.

24

25



BB 9

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Q. Do you recall what time that was?

A. I can't say for sure.

Q. Do you recall how long it was when the feeding occurred, how long had you been in the room after your break?

A. I can't say for sure how long I was in the room.

Q. Was it a matter of hours, can you help me at all, was it two hours later, three hours later, 15 minutes later; do you have any idea?

A. It wasn't hours later, it was more like 15, 30 minutes later. I can't say for sure.

Q. That's after you had returned to the room having taken your first coffee break?

A. That's correct.

Q. And I believe you said she was feeding Justin Cook a clear fluid?

A. That's correct.

Q. What kind of feedings as you understood it was Justin Cook on that night?

A. I didn't know what kind of feedings he was to receive.

Q. Could I ask you to turn to page 28 of Justin Cook's medical chart. You have that, Ms. Brownless?



1

BB 10

2

A. Yes, I do.

3

Q. I would refer you to the nursing

4

note that appears to have been made by Susan Nelles
for the hours 1900 to 3:00 in the morning. Do you
see that?

5

6

A. Yes, I do.

7

8

Q. And particularly to the entry

concerning nutrition very near to the bottom of the
page; do you have that?

9

10

A. Yes, I do.

11

Q. It indicates that a child, that's

12

Justin Cook, tolerated two feeds at 2030, that's 8:30
p.m., is that right?

13

A. That's right.

14

Q. And at 2:30 a.m. respectively.

15

Do you see that?

16

A. Yes, I do.

17

Q. That suggests that the child

18

was fed at 8:30 p.m. in the evening and again at 2:30
in the morning. Is that fair?

19

A. That's correct.

20

Q. All right. And then it says

21

respectively of - is that D5W?

22

A. That's right.

23

Q. Can you help as to what that is?

24

25



BB 11

1

2

A. Sugar water.

3

Q. That would be a clear fluid that

4

was being administered?

5

A. That's right.

6

Q. Could you turn now to page 15 if
you would, please, of the chart?

7

A. What page?

8

Q. 15. This is a portion of the

9

doctor's orders for Justin Cook, Ms. Brownless, they

10

are dated March 21st, 1981. Is there anything there

11

that helps us as to what feedings Justin Cook was on

12

and when they were ordered to be given to him?

13

A. The top order.

14

Q. All right. And what is there

there that is helpful in that regard?

15

A. It says Similac ad lib.

16

Q. What does ad lib mean?

17

A. As much as he would like to drink

18

and as frequently as he would like to drink.

19

Q. Is Similac a baby formula?

20

A. Yes, it is.

21

Q. Do you know what colour it is,
what consistency it is?

22

A. It is a milky substance.

23

Q. And could you turn to page 14,

24

25



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BB 12

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please, which are also doctor's orders for Justin Cook. Again, the first one and the bottom one are both dated March 21st, the middle one is not dated. Is there anything there that is of assistance to us with respect to Justin Cook's feedings, when he was to be fed or what he was to be fed?

THE COMMISSIONER: I think the middle one is dated, isn't it? Don't you see it on the right-hand side?

MS. CRONK: I am sorry sir, where?

THE COMMISSIONER: The middle one has got 21/3/81 on the right-hand side.

MS. CRONK: Oh, I am sorry.

Q. That is at 1500 hours, the middle one, and the bottom one at 1830 hours. Do you see that?

A. Yes, I do.

Q. The three on page 15, unless I have missed it, do not appear to have a time on them, sir, although they do have a date.

My question, Ms. Brownless is, is there anything in those orders which appears to have been made, at least one of them at 3 o'clock in the afternoon and another at 6:30 in the evening? Is there anything there that helps us with respect to the



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BB 13

feedings that Justin Cook was on or when he was
supposed to have been fed?

A. The last order says that he is
to have clear fluids and to be NPO at 4:00.

Q. All right. And I take it that
that means that he was not to be receiving oral
feedings, NPO?

A. That's right.

- - - -



DM.jc
CC

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Q Is that from 400 hours? Can you help me with the rest of that?

A. NPO 400 hours.

Q What does that mean to you?

A. It means that the child should be NPO before 4 o'clock.

Q Is there anything on the page that tells us when he was to be fed before 4 o'clock in the morning?

A. No, there is not.

Q And it is your recollection, as I have understood you, that you saw Phyllis Trayner feeding Justin Cook after you returned to Room 418, and I think you said, and I don't want to mistake this, it was certainly less than an hour after you returned back to the room?

A. That is correct.

Q Would you agree with me that if the feedings that Justin Cook received are as recorded in the medical chart, it appears that he was fed at 8:30 in the evening and again at 2:30 in the morning?

A. According to Sue's note, yes.

Q There is no indication that he was fed between 12 midnight and 1 o'clock, at least



CC.2

1

2

on the basis of the nursing notes and the doctor's
orders?

3

4

A. That's correct.

5

6

7

Q. Is it possible that the feeding
that you observed was as early as 8:30 in the evening,
just after you had come on shift and gone into
Room 418?

8

9

A. I don't think it would have
been that early, no.

10

11

Q. Is it possible that it could
have been at 2:30 in the morning?

12

A. I can't say for sure.

13

14

15

16

Q. There is a portion of Phyllis
Trayner's evidence at the preliminary hearing, Ms.
Brownless, and I would like to read this to you. So,
it is Volume 4, starting at page 783, and the
exchange was as follows:

17

18

19

"Q. Now Susan you indicated took
another break at 2 o'clock or there-
abouts?

20

"A. Yes, she did.

21

22

"Q. Can you remember the time exactly
that was?

23

24

"A. That was just before two.

25

"Q. Just before two, and what type of
a break was that?



CC.3

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"A. It was going to be her dinner break.

"Q. Her dinner break?

"A. Yes.

"Q. How long is the dinner break normally?

"A. About half an hour to 45 minutes. We don't count the minutes when we are working a 12-hour shift, you sit down when you can sit down and you take a break when you can take a break.

"Q. All right. And did she ask you to assist her in any way when she took this break? You had indicated earlier that you had relieved her on two occasions, this being one?

"A. Yes, this is the second one.

"Q. This is the second time?

"A. Yes, she was just finishing up doing Justin Cook's vital signs.

"Q. Yes.

"A. Justin had a temperature.

"Q. Yes.

"A. His other signs were fairly



CC. 4

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"stable at that time but he was irritable and Susan thought maybe he was hungry so I said I would feed him for her if she wanted to go and have her dinner."

And then further at the bottom of the

"Q. All right. How did you feed him?

"A. I fed him by bottle in my arms.

"Q. Where did you get the bottle?

"A. Susan handed me the bottle."

And then over on page 787:

"Q. When did you finish giving him the bottle, when did he complete it, what time?

"A. About twenty after two.

"Q. Twenty after two?

"A. 2:30, yeah, I cuddled him in my arms for a few minutes to make sure he was asleep."

And then further down:

"Q. All right. So he finished the bottle and then what happened?

"A. Then I cuddled him in my arms for a few minutes just held him in my arms



CC.5

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"and then I put him down on the bed
and gave him a soother.

3

4

"Q Gave him what?

5

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"A. Gave him the soother, I don't
know what the other word is for it,
pacifier, I put the oxygen hood on
him and I sat there until Susan came
back in.

9

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"Q What time would that have been?

"A. That was about another 10 to 15
minutes before she actually came in
to stay.

13

14

"Q So that would have been what,
2:40, 2:45?

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Now on the basis of that evidence,
Ms. Brownless, from Mrs. Trayner, it is her recollection
and I can tell you that she did not testify that she
fed the child at 8:30 in the evening. On the basis
of her evidence she relieved Susan Nelles for a break,
as indicated, between 2 and 2:40 or 2:45 in the
morning, and during that period she was asked and did
in fact feed Justin Cook. Does that assist you at all
in placing the time when you observed Phyllis Trayner
feeding this child?



CC.6

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A. I can only recall it being at
midnight.

4

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Q. When did you take your own
supper break that evening?

6

A. Before midnight.

7

Q. Do you know how long you took
your break?

8

A. No, I can't say for sure.

9

10

Q. Did you go to the nursing
station as was your habit?

11

A. Yes, it was.

12

13

Q. And did you go that night, is
that where you had your lunch or dinner break that
night?

14

A. That's right.

15

16

Q. Do you recall who was there at
the time?

17

A. No, I don't.

18

19

Q. I refer you to page 2 of your
personal notes concerning Justin Cook. Do you have
that?

20

21

A. Yes, I do.

22

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Q. And I am referring you to an
entry on the side of the page in handwriting, and as
I read it correctly, and please tell me if I am wrong,



CC.7

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it says:

"Eat somewhere in here 1 a.m. to
2.a.m."

do you see that?

A. Yes, I do.

Q. Would it be fair of me to suggest
that on the basis of the language in your notes you
place your lunch or supper break an hour later than
what you have suggested here?

A. That's correct.

Q. In your own mind are you clear
now as to when you took your dinner break that
evening?

A. I am not sure exactly when I
took it.

Q. You told us that you started
your, the feeding of your children at approximately
midnight, and we know that you had four children in
that room. How long did it take to complete those
feedings?

A. I can't say for sure how long
it took.

Q. Do you recall - I assume that
during the course of those feedings once again you
would have had to have been in and out of the room



CC.8

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to obtain the necessary supplies?

3

A. That's correct.

4

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Q. During the course of the - well,
I am sorry: do you recall whether or not you were in
the room feeding any of your children between the
hours of 1:30 and 2:30 in the morning?

8

A. Between 1:30 and 2:30?

9

10

Q. Yes.

A. I can't recall, but reading
this I did feed a child at two.

11

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Q. You have told me you don't
recall - you don't exactly recall when you took your
supper break. I take it from that it would be fair
of me to suggest that it was possible you were taking
your supper break some time between 1:30 and 2:30?

A. There is a possibility, yes.

Q. We have heard evidence here
from Ms. Bertha Bell, Ms. Brownless, that at approxi-
mately 2 o'clock in the morning she went to see Susan
Nelles in Justin Cook's room, that she watched TV
with her for about half an hour until 2:30 in the
morning. Do you recall seeing Ms. Bell in Room 418
watching TV between 2 and 2:30 in the morning?

A. I don't recall if she was in
there watching TV.



CC.9

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Q Do you recall seeing her in the
room at all at 2 o'clock that morning?

4

A I can't say for sure.

5

Q It is possible that she was?

6

A It is possible that she was.

7

Q You recall the TV being on after
midnight?

8

A I don't recall it being on after
midnight, but I am not saying it wasn't.

9

10

Q You do not recall yourself
personally sitting down and watching the TV at any
point?

11

12

13

A That's correct.

14

15

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17

Q To the best of your current
recollection, Ms. Brownless, when did you take your
second coffee break that night; can you give me your
best recollection with or without the benefit of your
notes?

18

19

A Yes. I was just trying to think,
it was around 3:30.

20

21

Q And what makes you think it was
3:30?

22

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A Between 3:30, by the time I
finished my feedings, because I had one at two and
went out approximately at three, three-thirty.



CC.10

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Q We know you had four patients
in the room, had you in fact fed all patients
personally before you took your break?

A I can't say for sure if all of
them were due to be fed, are they all required to be
fed throughout the whole night.

Q Did anyone else feed any of your
children that evening?

A Yes, they did.

Q Who was that?

A Sue fed one of my children.

Q Do you recall when that was?

A Approximately around 3 o'clock.

Q And how did that come about,
why would she be feeding one of your children if she
was on constant care with Justin Cook?

A The baby she fed was right
beside Justin Cook, and the baby she fed was a very
good feeder and she offered to feed the baby. So I
said, all right. She was a good eater and she would
eat in 15 minutes.

Q Were you in the room when Susan
Nelles fed that child for you?

A I can't say for sure, I don't
think so.



CC.11

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Q Do you have a clear recollection
that it was around 3 o'clock that Susan Nelles fed
that child?

A Fairly clear, yes.

Q Are you clear in your own mind
today, as you sit here, that you took your second
coffee break that night somewhere around 3:30 that
night?

A 3, 3:30, yes.

Q Is it possible it was 3 o'clock?

A There is a possibility, yes.

Q Do you recall seeing Susan Nelles
start to feed one of your children before you took
that second coffee break?

A I can't say if I saw her
starting to feed the child or not.

Q What did you do when you took
your second coffee break?

A I went to the nursing station.

Q Who was there at the time?

A I remember speaking to Lynn
Johnstone.

Q Do you recall anyone else being
present?

A I think Bertha Bell.



CC.12

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Q. Was Susan Nelles there?

3

A. I don't recall.

4

Q. You see, we have heard evidence from another witness, Ms. Brownless, Ms. Johnstone, she testified that it was likely 3 a.m. that she arrived at the nursing station on Ward 4A, that she - there were a number of nurses including Susan Nelles, Bertha Bell, Marianna Christie and she had a coffee with them; this evidence, sir, is in Volume 104, page 3606 and following. She also testified that at that time she spoke to Susan Nelles about Justin Cook's condition for about five or ten minutes and that she had a clear recollection of doing so; and that Susan Nelles then went back to Justin Cook's room and Phyllis Trayner came from that direction into the nursing station. Do you recall being in Room 418 with Phyllis Trayner when Susan Nelles was not there any time between 2:30 and 3:30 that morning?

18

A. I can't say.

19

Q. One way or the other?

20

A. One way or the other.

21

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Q. Do you recall passing by the room at any point and seeing Phyllis Trayner in the room, even though you might not have been there between 2:30 and 3:30?



CC.13

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A. I can't say.

3

Q. Do I have it that your best

4

recollection is when you took your second coffee break

5

and went to the nursing station you do not recall one

6

way or the other whether Susan Nelles was there?

7

A. That's right.

8

Q. Mrs. Johnstone further testified

9

at Volume 104, that when she arrived on the ward

10

and she said it was likely three in the morning, and

11

observed those other people in the nursing station

12

and had a coffee with them, she was told that Phyllis

13

Trayner was relieving Susan Nelles. Do you have any

14

clear recollection in your mind of when Susan Nelles

15

was relieved for her second coffee break that night,

other than what I read to you from Phyllis Trayner's

testimony?

16

A. No, I don't.

17

Q. How long were you out of

18

Room 418 for your second coffee break?

19

A. I can't say for sure.

20

Q. You recall being interviewed by

21

Messrs. McGee and Wiley, the two Crown Attorneys who

22

were involved in the preliminary hearing of Susan

23

Nelles, that interview took place I suggest December

the 2nd, 1981?

24

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CC.14

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A. Yes, I do.

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(3)

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A. Can I look at the statement?

Q. Do you have a copy of the
statement there?

MR. OLAH: I have a copy here but it
is a marked-up copy.

MS. CRONK: Q I do take it you
recall being interviewed by Messrs. McGee and Wiley
on that date?

A. Yes.

Q. I am suggesting to you that
you are recorded as having told them at that interview
that when you took your second coffee break and left
Room 418, that you were gone for 10 or 15 minutes.
Would you take a minute and look through the statement
and tell me if you recall saying that?

MR. PERCIVAL: This was also in the
March 25th statement as well, Miss Cronk.

MS. CRONK: Thank you.

Q. Do you recall having said that



CC.15

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to Mr. McGee and Mr. Wiley?

3

A. Yes, I do.

4

5

MR. BROWN: I am sorry, Miss Cronk,
did you say 10 to 15 minutes or 5 to 10 minutes?

6

MR. OLAH: It is 5 to 10.

7

THE COMMISSIONER: 5 or 10.

8

MR. OLAH: 5 or 10. Yes, as my friend
Mr. Percival points out on the other ones it is 10 to 15.

9

THE COMMISSIONER: 10 to 15?

10

MS. CRONK: 10 to 15, sir.

11

THE COMMISSIONER: I see. All right.

12

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MS. CRONK: Q Do you recall, and I
ask you this question again, Ms. Brownless, now that
you have had the opportunity of reviewing that
statement. Do you recall seeing Susan Nelles at the
nursing station at the same time as you were taking
your second coffee break?

17

18

A. I can't say for sure if she was
there or not.

19

20

Q. You don't recall one way or
the other?

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A. No.

Q. Do you remember being interviewed
again by representatives of the Metropolitan Toronto
Police on the 9th of November, 1982; we talked about



CC.16

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this interview earlier today?

A. That's right.

Q Do you recall telling them at that time that you were at the nursing station with Lynn Johnstone and Bertha Bell discussing some sewing and that Susan Nelles was also there, do you recall saying that?

A. I don't recall saying that but I must have.

Q Do you recall one way or the other whether Susan Nelles was at the nursing station when you took your second coffee break?

A. I can't say for sure.

Q According to your recollection what happened next after you arrived at the nursing station and were speaking to Lynn Johnstone?

A. Sue called out for Phyllis and Lynn, Phyllis and I went into the room and Justin was having a blue spell and I took Jardina off of Sue's shoulder and we settled her back in the bed.

Q Can we stop there for a moment. Do I have it correctly that as you recall it you were at the nursing station talking to Lynn Johnstone when you heard Susan Nelles call out from Room 418?

A. That's correct.

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BM/PS

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Q. Do I have it correctly that it is your recollection that Phyllis Trayner was there at the same time?

A. That's correct.

Q. What do you recall Susan Nelles calling about?

A. She called for Phyllis.

Q. By name?

A. Yes.

Q. All right. And you then recall going with Phyllis Trayner and Lynn Johnstone into Room 418?

A. That's correct.

Q. Mrs. Johnstone has testified, and this is found at Volume 104, concerning her recollection of what happened at the nursing station that night, Ms. Brownless. She has testified that when Susan Nelles called out Phyllis Trayner and she were at the nursing station and went together with Bertha Bell into Room 418 and that you were in Room 418 feeding a child with the bottle. Itake it that that does not accord with your recollection?

A. No, it doesn't.

Q. That is found, sir, at page 3609, Volume 104.



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Do you recall at any time that night, let's take it from midnight because we have talked before midnight, do you recall at any time from midnight until you heard Susan Nelles calling out Phyllis' name observing anyone administering a medication to Justin Cook of any kind?

A. I didn't see any medications being given to Justin Cook.

Q. Nor can you help me as to whether or not you were in the room with Phyllis Trayner during that time period when Susan Nelles was not there?

A. That's correct.

Q. Do you recall distinctly in your own mind that you were at the nursing station when Susan Nelles called out or is it possible that you are mistaken?

A. I recall being at the nursing station.

Q. All right. What did you do when you heard her call out?

A. I went with Phyllis and Lynn to the room, 418.

Q. All right. And what was happening when you entered the room?



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2

A. Sue was standing at Justin Cook's bedside and Justin was having a blue spell.

4

Q. All right, and what happened next?

5

6

A. Sue was holding Jardina and I took her off her shoulder and settled her into her crib and moved her crib out of the way so that people could get around the bed.

7

8

9

Q. Who was Jardina, was that one of your four patients?

10

11

A. That's correct.

12

Q. What else happened, do you recall what happened next?

13

14

A. I wasn't needed in the room so I left the room and said I would be at the desk available if they needed anything.

15

16

Q. Do you recall a Code 23 being called?

17

18

A. I recall it being called but I didn't call it.

19

20

Q. Do you recall who did?

21

A. Bertha Bell.

22

Q. All right. Do you recall whether or not someone brought Justin Cook's medical chart into the room?

23

24

25



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A. I can't say.

3

Q. I would ask you to look at page
3 of your personal notes, please. Do you have that?

4

5

A. Yes, I do.

6

Q. It appears to indicate that you
got Justin Cook's medical record and brought it with
you to the room, I take that to be Room 418. Do you
see that?

8

9

A. Yes, I do.

10

Q. Do you recall having done so?

11

A. Yes, I do.

12

Q. Do you recall having heard a Code
25 being called?

13

A. Yes, I do.

14

Q. Who called the Code 25?

15

A. I did.

16

Q. How did that come about?

17

A. I was at the nursing station and
I was asked to call a Code 25 and I did.

18

19

Q. What did you do after you had
called the Code 25?

20

A. I proceeded to go back to 418.

21

Q. And what did you do once you were
back in the room?

22

23

A. I asked if they needed anything.

24

25



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2

Q. Yes.

3

A. And everything looked like it

4

was under control. So, I went back out and I was asked
by Lynn Johnstone to call two other supervisors.

5

Q. Nursing supervisors?

6

A. That's correct.

7

Q. And did you do so?

8

A. Yes, I did. Well, I paged them.

9

Q. Did you have any other involve-

10

ment in the resuscitation or in the arrest of Justin
Cook?

11

A. No, I didn't.

12

Q. Were you in Room 418 when Dr.

13

Kantak arrived?

14

A. Yes, I was.

15

Q. And did he arrive in response to the

16

Code 23 which was called by Ms. Bell?

17

A. That's correct.

18

Q. At any time prior to Dr. Kantak

19

arriving, from the time that Susan Nelles called out

20

Phyllis Trayner's name at the nursing station and

21

the time that Dr. Kantak arrived, I take it from

22

what you have said that you were in and out of Room
418 at least twice?

23

A. That's right.

24

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Q. On either of those occasions did you observe anyone administering any medication to Justin Cook?

A. No, I didn't see it.

Q. When Dr. Kantak arrived, did you observe him administering any medication to Justin Cook?

A. Yes, I did.

Q. What did he give him?

A. The medication that was at the end of the bed.

Q. Did you see him do so?

A. Yes, I did.

Q. Did you see whether or not he used what was in the ampule at the foot of the bed or did he use the syringe?

A. I can't say for sure.

Q. Did you see him give any other medication to Justin Cook?

A. I can't recall.

Q. After Justin Cook was pronounced dead, Ms. Brownless, did you have any reason to go back into his room?

A. Yes, I did.

Q. Had you stayed there from the time



1
2 that Dr. Kantak arrived until the completion of the
3 resuscitation or had you left again?

4 A. I had left to check the children
5 on 4A.

6 Q. Did you return again before the
7 end of the resuscitation?

8 A. I can't say if I did or not.

9 Q. What do you recall doing after
10 he had been pronounced dead?

11 A. I helped Sue clean up Justin
12 until she was called away.

13 Q. You are referring now to Susan
14 Nelles?

15 A. That's correct.

16 Q. And was she called away at some
17 point?

18 A. Yes, she was.

19 Q. By whom?

20 A. By Dr. Jedeikin to write up the
21 nursing notes.

22 Q. Do you recall having had any other
23 involvement after he was pronounced dead?

24 A. Yes, I did.

25 Q. What did you do?

A. Roy Jedeikin came back in the



1

2

room and asked me to get a syringe and a needle
because he wanted blood samples.

4

Q. Did Dr. Jedeikin tell you why he
wanted to draw up a blood sample or samples?

5

6

A. He didn't tell me what they were
for and I didn't question him.

7

8

Q. Were you in Room 418 when he made
the request of you?

9

A. Yes, I was.

10

11

Q. Did he ask you specifically or
did he tell you specifically what kind of syringe to
get?

12

13

A. I can't recall but reading over
my notes it said that he wanted a 20 cc. syringe but
I can't say if that's for sure or not.

14

15

Q. Could I ask you to look at page
3 of your personal notes at the bottom of the page.
There is reference there to being asked to get a
20 cc. syringe, is that what you are referring to?

16

17

18

A. That's what I am referring to.

19

20

Q. And is it your recollection that
you did get a 20 cc. syringe?

21

22

A. If that's what he asked for,
that's what I got him but I can't recall for sure.

23

24

25

Q. Well, do you remember whether you



1

2

took one or more than one back into the room?

3

A. I took more than one.

4

Q. Do you recall whether they were
all the same size?

5

A. I can't say for sure.

6

7

Q. Did you see Dr. Jedeikin taking
any blood specimens when you went back into the room?

8

A. I saw him take the blood, yes.

9

10

Q. And from where did he take the
blood?

11

A. From the chest.

12

Q. Did you see him do anything
else, take any other kind of specimens?

13

14

A. I saw him go in the garbage and
take the I.V. bag out and the tubing.

15

16

Q. Was that the I.V. bag that had
been used for Justin Cook?

17

A. That's correct.

18

19

Q. And the I.V. tubing, that had
been used for Justin Cook?

20

A. That's correct.

21

22

Q. Was there anyone else in the
room other than yourself and Dr. Jedeikin while
these samples were being taken?

23

A. I don't think so but I can't say

24

25



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for sure.

3

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Q. Do you have a distinct recollec-
tion of having observed Dr. Jedeikin take those
samples?

6

A. Of the blood?

7

Q. Yes.

8

A. Yes.

9

Q. Do you know how much blood he
took?

10

A. No, I don't.

11

Q. Had you ever seen blood specimens
taken before?

12

A. Blood specimens taken before?

13

Q. In those circumstances.

14

THE COMMISSIONER: How much did you say
he had taken?

15

16

THE WITNESS: I wasn't sure how much he
took.

17

18

MS. CRONK: Had you ever seen blood
specimens being taken in those circumstances
previously, that is, after a child had died?

19

20

A. No, I hadn't.

21

Q. Would you regard that as unusual?

22

A. Yes.

23

Q. Did you ask him why he was doing it?

24

25



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A. No, I didn't question him.

3

4

5

Q. I am obliged to ask you why you didn't ask him. Were you not curious as to what he was doing and why?

6

7

A. I didn't feel it was my place to question him, so, I didn't.

8

9

Q. Did you observe Dr. Fowler in the room while these samples were being taken or shortly thereafter?

10

11

A. I don't recall seeing Dr. Fowler that night at all.

12

13

14

15

16

17

Q. At any point prior to Susan Nelles calling out for Phyllis Trayner from Room 418, Ms. Brownless, you have told us that you were in and out of Room 418 on a number of occasions, that you had patients to feed and that you fed those that had to be fed with the exception of one whom you recall was fed by Susan Nelles. Is that a fair summary?

18

A. That's right.

19

20

21

Q. Do you recall at any point that evening prior to Susan Nelles calling out for Phyllis Trayner having observed yourself that Justin Cook's condition had deteriorated?

22

23

24

25

A. Prior to her calling out. No, I hadn't observed at all.



12

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Q. Were you told at any time, whether

3

by Susan Nelles or anyone else, prior to her calling

4

out that Cook appeared to be in difficulty?

5

A. I don't recall that conversa-

6

tion or anyone saying that to me.

7

Q. All right. At some point that

8

evening, that is, the night that Justin Cook died,

9

did you learn that the digoxin on the ward had been
ordered to be locked up?

10

A. Yes, I had learned that it had

11

to be locked up.

12

Q. When did you learn that?

13

A. I think it was before midnight.

14

Q. What makes you think it was

before midnight?

15

A. Because I remember Sue was

16

watching Gone With the Wind and it was just over.

17

Q. And that had been on before

18

midnight?

19

A. That's correct.

20

Q. And how did you learn that it

was to be locked up?

21

A. I was in Room 418 with Sue and

22

Phyllis came in and said something, I don't recall

23

what she said, and Sue said go find out why she is

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in such a flap, so I went and left the room and talked to Bertha and Sue at the front desk and asked them what was going on and they said that basically - they didn't tell me anything, it was none of my business, and I said, well, it wasn't me who was inquiring, Sue wants to know what's going on. I don't know what she was referring to and I said, just, could you go and talk to Sue and they did.

Q. All right. Can we stop there for a moment. As I understand it, you were in Room 418 and Mrs. Trayner came in and spoke with Susan Nelles.

A. That's correct.

Q. All right. I take it then Mrs. Trayner left?

A. That's right.

Q. And do you recall that happening before midnight?

A. That's correct.

Q. You have suggested it was at the end of Gone with the Wind.

A. That's right.

Q. And at that point Ms. Nelles asked you to go and find out what was of concern to Mrs. Trayner, why she was in, you suggested, a flap.



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A. That's correct.

3

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Q. And you then went to the nursing station and spoke - I thought you said with Sue and Bertha.

5

6

A. Phyllis and Bertha.

7

8

Q. All right. You weren't told what the problem was or what the concern was but you asked them to come and speak to Susan. Do I have it correct so far?

9

10

A. That's correct.

11

Q. And then what did you do?

12

13

A. I can't say for sure, but I probably went back into Room 418.

14

15

Q. Did Mrs. Trayner and Mrs. Bell or either of them come into the room as you had asked them to do to speak to Ms. Nelles?

16

17

A. Yes, they did.

18

Q. Did they speak to you at the same time?

19

20

A. I don't recall; I can't remember the conversation.

21

22

Q. Do you remember any of the discussion with Ms. Nelles?

23

24

25

A. No, I don't.

Q. All right. I am somewhat confused.



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Can you tell me then when it was that you learned
that the digoxin was to be locked up?

3

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A. I think it was after their
conversation; I don't remember who told me.

5

6

Q. Are you suggesting that they came
into the room and had a discussion but you don't
recall whether you heard it?

7

8

A. That's correct.

9

10

Q. All right. Obviously then you
don't recall what the discussion was.

11

A. That's right.

12

Q. So, you can't tell me that it
related to the lockup of digoxin.

13

14

A. That's correct.

15

16

Q. All right. Was it some point after
that that you learned that the digoxin was to be
locked up?

17

A. That's right.

18

Q. And how did you learn it then?

19

A. Because Phyllis asked Sue to lock
up the digoxin.

20

21

Q. Where did that take place?

22

A. We were in 418 and Sue was on her
way out for her break and Phyllis handed Sue the
keys and said, could you lock up the dig. and that's

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the first I heard about it.

3

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Q. Was Mrs. Trayner relieving Susan Nelles for her break at that time?

5

A. That's correct.

6

7

Q. Is it your recollection that that discussion as well took place before midnight or was it after midnight?

8

A. Around midnight.

9

10

11

Q. All right. And you have told us earlier that you think that is when Phyllis Trayner relieved Susan Nelles for her break?

12

A. That's correct.

13

14

Q. Do you recall now which digoxin, which form of digoxin Mrs. Trayner was referring to?

15

A. No, I don't know. She just said digoxin.

16

17

Q. What was your impression of what she was talking about?

18

19

A. The dig. that was in the med room.

20

21

Q. All right. And what would that have been on a normal night?

22

A. To me, I didn't know what they kept in there, I just knew about the elixir.

23

24

25

THE COMMISSIONER: I'm sorry, I must have



17 1
2 missed it. You say Phyllis Trayner asked someone,
3 was it you, to lock up the digoxin?

4 THE WITNESS: No, Sue Nelles.

5 THE COMMISSIONER: Oh, I see. You
6 heard that, did you?

7 THE WITNESS: Yes, I did.

8 Q. And what was Ms. Nelles' response?

9 A. I don't recall what her response
10 was. She left the room and I presume locked up
11 the dig.

12 Q. I believe you mentioned that you as
13 well --

14 THE COMMISSIONER: Whenever it is
15 a convenient time.

16 MS. CRONK: Could I just pursue this
17 one matter, sir?

18 THE COMMISSIONER: Yes.

19 MS. CRONK: Q. I believe you mentioned
20 that you saw at the same time an exchange of keys, do
21 I have that correctly?

22 A. That's correct.

23 Q. What exactly did you see?

24 A. I saw Phyllis hand Sue the
25 narcotic keys.

THE COMMISSIONER: I'm sorry, I can't



18 1
2 hear that. Can you just say that again?

3 THE WITNESS: I saw Phyllis hand
4 Sue the narcotic keys.

5 MS. CRONK: Q. And I refer you, just
6 before we take our break --

7 THE COMMISSIONER: Was anybody else
8 there at the time that you saw that happening?

9 THE WITNESS: I can't recall.

10 THE COMMISSIONER: I was just wondering.
11 All right. You want to refer to some evidence that
12 she has given elsewhere?

13 MS. CRONK: Yes, I do, sir.

14 Q. Can I refer you to Volume 6 of
15 your evidence at the preliminary hearing, page 1459,
16 starting at about line 6, Ms. Brownless. The
17 question is:

18 "Q. Do you recall any discussion
19 amongst the nurses prior to Justin
20 Cook's death on your shift that night
21 about digoxin?

22 A. Yes.

23 Q. And who took part in this
24 discussion that you were aware of?

25 A. Phyllis and a doctor were talking
about it.



Brownless
dr. ex. (Cronk)

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Q. Do you recall what time that
would be?

A. Earlier in the evening.

Q. And do you recall any discussion
between Phyllis and Susan Nelles about
that?

A. Sue asked me what they were
talking about so, I went out and asked
Phyllis and Phyllis came back in and
talked to both of us.

Q. Phyllis talked to both you and
Sue Nelles?

A. Mm-mm.

Q. What did she say?

A. That we had to lock up the dig.
bottles.

Q. That you had to lock up the dig.
bottles. Did she say why?

A. She didn't tell me why.

Q. Did she tell Susan?

A. I don't know."

Now, stopping there for a moment, Ms. Brownless, I
would suggest that that is a very specific reference
to digoxin bottles, is it not?

A. That's correct.



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Q. All right. Do you recall being asked those questions and giving those answers?

A. Yes, I do.

Q. Do you specifically recall whether or not Mrs. Trayner referred to digoxin bottles or did she refer to digoxin period?



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A. I can't say if she referred to
digoxin bottles or digoxin.

3

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Q. You have also given evidence at
the preliminary hearing, under oath, about a discussion
which you understood took place between Phyllis Trayner
and a doctor regarding digoxin earlier in the evening,
that was your evidence?

5

6

7

8

A. That's right.

9

Q. Can you tell me please when that
discussion took place?

10

11

A. I can't say for sure.

12

O. Do you recall which doctor was
involved?

13

14

A. No, I can't.

15

Q. Do you know what the nature of
the discussion was?

16

A. No.

17

Q. Do you remember anything about it
at all?

18

19

A. Nothing.

20

MS. CRONK: Sir, I will be about
another 10 minutes, would you like to take our break
now?

21

22

THE COMMISSIONER: Yes, we will take
20 minutes.

23

24

--- Short recess

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--- On resuming

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THE COMMISSIONER: Were you going to
say something, or do you want me to say something?

5

MS. CRONK: Sir, I would like to
finish what I was doing and perhaps we will deal with
the matter.

7

THE COMMISSIONER: Yes, okay.

8

MS. CRONK: Q. Miss Brownless, I just
have a few --

9

10

THE COMMISSIONER: That is going to
tantalize everybody, nobody will listen at all to a
word you say.

11

12

MS. CRONK: Well, with that incentive,
sir, perhaps we had deal with it now.

13

14

THE COMMISSIONER: All right. There
is going to be an argument about the admissibility of
some evidence that Ms. Cronk was going to tender and
I think we will just argue the matter out in camera
tomorrow morning. We will have a room, and we will
decide, I don't know what it's going to be, but we
will have a room somewhere and if not we will squeeze
into my office.

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MS. CRONK: We will know by the end of
the day, sir.

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THE COMMISSIONER: We will argue the

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matter out and then we will come back here probably
about 10 o'clock.

MS. CRONK: It will be Hearing Room
No. 3, sir.

THE COMMISSIONER: Hearing Room No. 3,
the last time it was Hearing Room No. 3 we all
assembled at Hearing Room No. 2, but 3 is the one we
will count on for tomorrow morning.

MS. SYMES: Is that on the 21st floor?

THE COMMISSIONER: Oh yes, on the 21st
floor. All right.

MS. CRONK: Q. Miss Brownless, before
the break we were discussing the lock up of digoxin
that had taken place on the wards on Saturday night.
Can you tell me please at any point during the evening,
or the early hours, the early morning hours, had you
seen either Dr. Costigan or Dr. Mounstephen on the
ward?

A. I don't recall, I don't think I
saw them. I don't even know who Dr. Mounstephen is.

Q. You do know who Dr. Costigan is?

A. Yes, I do.

Q. And you don't recall having seen
him?

A. No.



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Q. Following the death of Justin Cook, can you tell me were there any concerns expressed in your presence amongst any of the nurses as to the cause of that child's death?

A. Not in my presence, no.

Q. Do you recall any concerns being expressed, of which you were made aware, by any of the physicians who attended during the course of the night for the child, or during his arrest and resuscitation?

A. Not in my presence, no.

Q. To your knowledge were the nurses upset or concerned about Dr. Jedeikin's behaviour in taking the various samples from Justin Cook that you have described he took?

A. Yes, they were.

Q. Was it your perception that the other nurses in addition to yourself regarded that as unusual?

A. That's right.

Q. In your presence were questions raised as to why he had done that?

A. I was asked by Sue what Dr. Jedeikin was doing, and I told her and that was the extent of the conversation.

Q. By Sue are you referring to



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Susan Nelles?

3

A. That's right.

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Q. Do you recall anyone other than Susan Nelles enquiring as to why, what Dr. Jedeikin had been doing or why he had done it?

6

7

A. I can't say for sure if I talked to anyone else.

8

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Q. Did it occur to you personally, once you knew that the digoxin had been ordered to be locked up, as you heard Phyllis Trayner say, that there might be a connection between the locking up of digoxin and the death of Justin Cook?

13

A. I didn't connect the two at all.

14

15

Q. Did you do so after the child had in fact died, did it cross your mind at all?

16

17

18

19

A. No it didn't.

20

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Q. Did it occur to you once you had seen Dr. Jedeikin taking the samples that there might be a connection between his actions and some issue regarding the death of Justin Cook?

A. I am sorry, could you --

Q. After you knew that Dr. Jedeikin had taken those blood samples.

A. That's right.

Q. And removed the IV bag and the IV



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tubing from Justin Cook's room, did it cross your mind then that there might be a connection between what he was doing and some issue about Justin Cook's death?

A. No, it didn't cross my mind.

Q. That didn't have that significance for you at the time?

A. That's right.

Q. Do you recall seeing Mrs. Radojewski that morning before you left the hospital at the end of your shift?

A. I recall seeing her, yes.

Q. Do you recall when that was?

A. In the morning.

Q. Approximately what time?

A. I can't say if it was before report, or after report, it was the first thing in the morning around 7:00.

Q. And where was that?

A. In the dirty utility room.

Q. Who else was present at that time?

A. Phyllis and Sue, but I can't say who else, I think all the nurses who were working nights were present but I can't say for sure.

Q. Phyllis Trayner and Susan Nelles?



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A. That's correct.

3

Q. Do you recall what the discussion

4

was about at that time?

5

A. I know some of the discussion was

6

about Justin Cook's death, but I can't recall anything
else being discussed.

7

Q. Did the nurses, did those nurses

8

who you recall being present seem concerned about why

9

Justin Cook had died?

10

A. I don't recall that impression.

11

Q. Do you recall whether there was

12

discussion then about the fact that Dr. Jedeikin had
taken these blood samples?

13

A. I think it was brought up but I

14

can't say for sure.

15

Q. Do you recall specifically what

16

was discussed at that time?

17

A. No.

18

Q. Do you recall Susan Nelles having

19

said anything during the course of that discussion?

20

A. No, I don't recall any comment.

21

Q. Do you recall specifically any

22

comment made by Phyllis Trayner or Mrs. Radojewski?

23

A. No.

24

Q. And you do not recall who else

25



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was there?

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A. That's right.

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Q. As I understand it you were

5

scheduled to come into work on the long night shift

6

that night as well?

7

A. That's correct.

8

Q. That during the course of that

day you were informed not to come in?

9

A. That's right.

10

Q. Who told you that?

11

A. Liz.

12

Q. That is Mrs. Radojewski?

13

A. That's correct.

14

Q. And what time of day was that?

15

A. Some time after lunch, she woke

16

me up some time after lunch and told me not to come
in.

17

Q. Was this a telephone call to your

18

home?

19

A. That's right.

20

Q. Did she tell you why you were

21

not to come in?

22

A. She just said that all the stress

23

that the team was under, and I said does the whole team
have the night off, and she said, yes.

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Q. During the course of that day,
that is at any time on the Sunday or the Sunday night,
did you have any further discussions with either
Phyllis Trayner, Susan Nelles or Bertha Bell?

A. With Phyllis Trayner I did.

Q. When was that?

A. Right after Liz called me, I
called Phyllis at home and asked her if she had the
night off too, and she said that Liz hadn't called her
yet and that she would call me back and that was the
end of our conversation. She called me back later
that evening after she spoke to Bertha on the phone,
and Liz.

Q. And what did she tell you when
she called back?

A. She told me that they had
relief staff for 4A side.

THE COMMISSIONER: I am sorry, what was
that, they had what?

THE WITNESS: Relief staff for 4A side
replacing us.

THE COMMISSIONER: I am sorry, I still
don't quite understand it, they released --

THE WITNESS: Relief staff.

THE COMMISSIONER: Oh, I beg your pardon.



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THE WITNESS: I am sorry.

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MS. CRONK: Q. What else did she

4

tell you?

5

A. And she told me that there was supervisors on the floor checking all medications being given.

6

7

Q. Did she tell you anything else?

8

A. No.

9

Q. Did you regard the fact that

10

there were supervisors on the floor checking all

11

medications as being unusual?

12

A. Yes, I did.

13

Q. Were you concerned about that?

14

A. Yes, I was.

15

Q. Were you also concerned about

16

the fact that you had been asked not to come in to work that night?

17

A. Yes, I was.

18

Q. You have told me that Mrs.

19

Radojewski suggested that the reason was that there

20

was stress on the team, and I take it on yourself as

21

well. Did she tell you any other reason why you were not to come in to work?

22

A. No.

23

Q. By the time that you received that

24

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telephone call from Mrs. Trayner, I take it on the
Sunday night, is that correct?

3

4

A. That's correct.

5

6

Q. You knew there had been a large
number of deaths on the wards, that was an observation
that you made after Jordan Hines died?

7

8

A. That's correct.

9

10

11

Q. You also knew and observed at
that time that most of those deaths had occurred during
the long night shift and the early hours of the
morning?

12

13

14

A. That's correct.

15

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Q. And you also knew that they had
occurred predominantly in the presence of the members
of the same nursing team?

19

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A. That's correct.

Q. And by this time, by the Sunday
night, you knew that Justin Cook and Allana Miller had
both died?

A. That's right.

Q. You knew that the digoxin had
been ordered locked up on the wards, correct?

A. That's correct.

Q. You knew that Dr. Jedeikin had
taken blood samples and had removed the IV bag and the



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IV tubing from Justin Cook's room and you had never
seen that done before?

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A. That's right.

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Q. And now you were being told that
there were supervisors on Ward 4A watching all the
medications, checking all the medications being given,
is that correct?

8

9

A. That's correct.

10

11

12

Q. Did it cross your mind at that
time with all that information in hand, Miss Brownless,
that there might have been something unusual which
caused some of those children to die?

13

A. It didn't cross my mind, no.

14

15

16

Q. Did it cross your mind at that
time that there may have been a connection between the
drug digoxin given that it had been locked up, and the
deaths of any of those children?

17

A. No it didn't cross my mind.

18

19

Q. You didn't think about any of
those things on that Sunday night?

20

A. No, I didn't.

21

22

Q. We have heard that after the
arrest of at least one of these children you re-stocked
the crash cart, is that correct?

23

24

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A. That's correct.



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Q. Did you normally do so after an
arrest on the ward that occurred when you were there?

4

A. Most times, yes.

5

6

7

Q. We know that you were on duty
when a number of children arrested and ultimately died
on those wards, so you would have re-stocked the crash
cart on a number of occasions?

8

A. That's correct.

9

10

Q. Was that the crash cart on 4A?

A. That's correct.

11

Q. Did you ever re-stock it on 4B?

12

A. I don't think so, no.

13

14

15

Q. Did you at any time during this
period of time, from the commencement of your employment
on that ward, until the death of Justin Cook on March
22nd, ever observe digoxin on the crash cart on 4A?

16

A. No, I didn't.

17

18

Q. To your knowledge was it ever
kept on the crash cart in Ward 4B, or do you know?

19

A. I don't think it was kept on
4B's either.

20

21

Q. Did you ever have reason to see
the crash cart on Ward 4B?

22

23

A. I can't say for sure if I looked
in the drawers or not.

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Q. Would you be surprised if it had been there?

A. Yes, I would have.

Q. Was it a drug as you understood it that would ever be used during the course of a resuscitation, or do you know?

A. I am sorry?

Q. Was digoxin a drug that insofar as you were aware would ever be used during a resuscitation?

A. I don't think they used digoxin during resuscitation.

Q. Although you yourself told us were not very often there when drugs were given during a resuscitation effort?

A. That's correct.

MS. CRONK: Miss Brownless, thank you very much for your attention and your patience. Subject to tomorrow's argument, sir, those are all my questions.

THE COMMISSIONER: Yes, all right. Mr. Olah?

MR. OLAH: Thank you.

EXAMINATION BY MR. OLAH:

Q. Miss Brownless, just following up



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on that last series of questions that you were asked.

3

In addition to re-stocking the crash cart, did you at

4

any time have to check the crash cart when you worked

5

long nights?

6

A. Yes, I did.

7

Q. What was the purpose of checking
the crash cart on those occasions?

8

A. Every night there was a list of
duties. On most occasions it was my duty to check the
9 crash cart, and there was a list of items that were
10 stocked in the crash cart.

11

12

Q. The list, let's just pause there
for a moment. The list, was it on the crash cart
13 itself?

14

A. That's right.

15

Q. And what was on that list?

16

A. What was kept in each drawer and
17 in the cupboard on the side and on top of the crash
18 cart.

19

Q. And what was the purpose of
checking the crash cart?

20

A. To make sure that it was
properly stocked, that everything was on it.

21

22

Q. Would you do this with just the
crash cart on the 4A side, or would you also be

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involved with the crash cart on the 4B side?

A. Mostly 4A.

Q. And what did you have to do to check the crash cart; would you go through every medication on the cart?

A. That's correct.

Q. And would you look at each medication, or container that the medication was in?

A. I would look at each medication and the name and the out date on it, the expiry date.

Q. And any of those occasions did you ever see digoxin in the crash cart?

A. No, I didn't.

Q. And how often would you do it when you were on long nights; would you do it on every occasion that you were on long nights or on some occasions?

A. Check --

Q. Checking the crash cart.

A. When I worked long nights?

Q. That's correct.

A. When I was assigned to do it I would do it, and most times after a cardiac arrest.

Q. Now I would like to talk to you about something else. I would like to talk to you about



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something else. I would like to talk to you about Exhibit 379, the notes that you made, the handwritten notes. First of all, we have heard evidence from you already that you were interviewed by the police officers on March 25th, was it, that was the Wednesday?

A. That's correct.

Q. Wednesday morning?

A. Yes.

Q. Now where were these notes made, were they made in Toronto or somewhere else?

A. They were made at my mother's house outside of Toronto.

Q. Can you tell us precisely how much after, how many days after you were interviewed by the police that these notes were made up?

A. I think I did it either the next day or the day following.

Q. And did you have the statement that you gave to the police officers when you made up these notes?

A. No I didn't, but I did have my cheat sheet with me.

THE COMMISSIONER: I am sorry, I didn't --

MR. OLAH: Cheat sheet.

Q. Is that where you, for instance,



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got the information about the feeding time of the
babies that is found in these notes?

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A. That is correct.

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Q. Now Miss Cronk made reference
to the back of page 6, have you got a copy of the
notes there?

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A. Yes, I do.

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Q. And you recall talking to Miss
Cronk and telling her that this really wasn't made up
in chronological sequence?

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A. That's correct.

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Q. Can you tell the Commissioner
what were you attempting to do when you were making up
this page?

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A. Just trying to write down the
events that happened during the evening at work.

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Q. That is the evening relating to
the Miller death?

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A. That's correct.

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Q. And then did you after that write
the more comprehensive notes that are found commencing
at page 4?

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A. The one on page 7 is referring to
Cook and the one on page 4 is referring to Miller.

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Q. Okay, I am sorry. So the one



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on the back of page 6 relates to Cook?

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A. That's correct.

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Q. Did you write that before you
started writing up pages 1 through to the end of page
3?

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A. That's correct.

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THE COMMISSIONER: Do we have the original of that?

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MR. OLAH: I'm sorry, sir?

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THE COMMISSIONER: No, I'm just -- oh, yes, I see. Yes, in the copy that I have on page 4, I hope everybody else's copy is better but the words up on top are clearly Miller.

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MR. OLAH: Yes, sir.

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THE COMMISSIONER: Yes, right.

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MR. OLAH: That's correct.

Q Now, you have told this

Commission, Miss Brownless, that you were in effect rotated between two teams, at least two teams during the time you were on duty from, say, early September to late March of 1981?

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A. That's correct.

Q And during that time - first

of all, did you develop any real close friendships with any of the members of either of the two teams that you rotated between primarily?

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A. Not at work, no.

Q Okay. And consequently I take

it is that one of the reasons you believe that you may not have been aware of some of the deaths either before you came on or some of the deaths that were



FF.2

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occurring in the fall of 1980?

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A. That's correct.

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Q. Now, some time in the spring

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or summer of 1981, that is, several months after the

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arrest of Susan Nelles, were you rotated on a more

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consistent basis either with the Trayner team or what

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was left with the Trayner team or some other team?

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A. That's correct.

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Q. And could you tell the

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Commissioner what kind of a scheduling you had at
that time?

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A. I don't understand what you mean?

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Q. Well, in relation to Mrs.

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Trayner, did you continue to work with her or not?

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A. After Sue was arrested?

16

Q. Yes, some time say after May or

17

June of 1981?

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A. I worked with her occasionally,

yes.

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Q. Okay. And the balance of the

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time would I be correct in saying that you were no

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longer working with her but were with another team?

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A. That's correct.

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Q. Would that be in the vast

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majority of the cases after May and June of 1981?

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FF.3

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THE COMMISSIONER: Vast majority of
what that she would be with somebody else?

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MR. OLAH: That's right, with another
team, sir.

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THE WITNESS: As best I can recall, yes.

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MR. OLAH: Q Okay. Now, I understand
that today you have brought with you your personal
diary that lists the days, long days and long nights,
that you worked in August and September of 1981?

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A. That's correct.

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THE COMMISSIONER: August and September
of 1981?

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MR. OLAH: That's correct, sir.

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Q Could you just assist us with
reference to that pocket diary. For instance, on
August 23rd, 1981, when we understand that apparently
at 6:30 in the morning there were lipstick marks
found on the rear window of Mrs. Trayner's car what
you were doing?

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A. What night was that?

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Q That would be the long night of
August 23rd - the long night of the 22nd and the
morning of the 23rd?

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A. I was working long nights also.

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Q So, you were at the Hospital



FF.4

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from 7:15 the evening of the 22nd to 7:15 in the
morning of the 23rd?

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A. That's correct.

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Q. Now, for example, on August 27th
there is some evidence that indicates that at 1820
in the evening there was a phone call believed to
originate inside the Hospital. Where were you that
evening?

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A. I had just come back from my
grandfather's funeral.

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Q. Okay.

THE COMMISSIONER: I'm sorry?

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THE WITNESS: Came back from my grand-
father's funeral.

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THE COMMISSIONER: Yes, but I take
it you were at home, is that right?

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THE WITNESS: I was at my aunt's house.

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MR. OLAH: Q. And where is it, is it
in Toronto or elsewhere?

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A. It's in Leaside.

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Q. Okay. On September the 2nd
there were apparently lipstick marks found on the
apartment door of Phyllis Trayner's between 4 o'clock
in the evening and 7:30 in the evening. Where were
you that day?



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A. I was working long days.

THE COMMISSIONER: You are taking
this from 32?

MR. OLAH: That's right, I am, sir.

THE COMMISSIONER: 32 what?

MR. OLAH: I believe it is the last
tab of 32B. It would be Tab 76.

THE COMMISSIONER: All right. We
have dealt with the 22nd and now it is the 27th, is
that right?

MR. OLAH: Q. I'm sorry, can we go
back. I've got actually the 27th, it is the 24th at
1820 hours. Do you see that?

A. It was my day off.

Q. It was your day off, okay. And
you weren't at the Hospital that day?

A. No.

THE COMMISSIONER: You said it was
believed to have come from the Hospital?

MR. OLAH: Yes, sir. If you have a
look at the remarks in the immediate right-hand
column "Nursing Supervisor believe call originated
inside the hospital - female voice".

THE COMMISSIONER: Yes, I see. Well,
the one we have heard, Mrs. Radojewski didn't say



FF.6

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anything about that, did she? Mrs. Radojewski, did she say it came from the Hospital?

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MR. OLAH: Well, I'm going from 32B and that seemed to be the suggestion here.

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THE COMMISSIONER: Yes, all right.

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But clearly, you see on March 25th it says "Message received at switchboard". The switchboard would have no way of knowing whether it came from inside the Hospital or not. They must be smarter than I am if they know whether they came from inside the Hospital or not.

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MR. OLAH: Well, maybe they have

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some way of knowing that but I am going from the evidence that was filed at the preliminary inquiry, it seems to suggest that that call originated inside. I don't know how they determine that.

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THE COMMISSIONER: Yes, all right.

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MR. OLAH: Q I'd like to then take

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you to September the 20th and according to this exhibit, between 14:15 and 16:50 there were marks found on the car of Phyllis Trayner in the above-ground parking lot at HSC, at The Hospital for Sick Children. What shift did you work on that occasion?

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A The 19th I worked long nights

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and the 20th I worked long nights.

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Q. Okay. And on the night of September the 24th we have had evidence that in the morning actually at 1:50 in the morning there was propranolol found in the soup and salad of Phyllis Trayner and Sui Scott. On the 24th what shift were you on?

A. Long days.

Q. And where were you on the 25th?

A. I was off.

Q. Thank you. Finally, turning to October the 7th at 19:15, according to this scheduling, there was propranolol found in yogurt of Phyllis Trayner at 19:15. What shift did you work that evening?

A. October 7th?

Q. That's right.

A. Long nights.

Q. So, you would have come on on the ward at about 7 or 7:15?

A. That's correct.

Q. Thank you. Now, Exhibit 375, could we see the exhibit please, Mr. Registrar, was a table that showed a breakdown of your long days and long nights between the Mandal team, the Trayner team and the Arbour and Shilton teams?



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A. That's correct.

Q. Did you prepare this document?

A. Yes, I did.

Q. And does it accurately represent the number of shifts that you worked with the various teams as outlined therein?

A. Yes, it does.

Q. Thank you. Now, when you were being questioned by Miss Cronk yesterday I think you indicated that on the third day of your orientation program, which would have been the 27th of August, that you believed that you spent some time on Ward 4A. Do you recall giving that evidence yesterday?

A. That's correct.

Q. Can you tell the Commissioner how long you were on the ward that day?

A. Until just before lunch to approximately 11:30.

Q. And what were you doing on the ward that day, do you recall?

A. To the best of my recollection we had a list of things we had to find.

Q. What kind of things.

A. Just where the different rooms were, where different supplies were kept.



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Q. Okay. Now, have you had a chance to look at Exhibit 376? Could we see the smaller table, please, Mr. Registrar.

A. Thank you.

Q. Have you had a chance to review Exhibit 376, in particular as to the days that you were on and off when babies arrested and died, the 36 children we are dealing with?

A. Yes, I've gone over it.

Q. And does the exhibit accurately reflect the children for whose death you were off?

A. Yes, it does.

Q. Does it accurately reflect the 8 deaths that you were on for?

A. Yes, it does.

Q. Miss Brownless, you will be glad to know that those are all the questions I have of you.

MR. OLAH: Thank you.

THE COMMISSIONER: Yes, all right, thank you. Mr. Brown?

MR. BROWN: I am prepared to go but if we are having a voir dire tomorrow morning I am not really sure what's going on there. I would prefer to go after we had had the voir dire.



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MS. CRONK: Sir, if I may. Whatever the outcome of tomorrow morning, it wouldn't be my intention to be leading that evidence even if that were to be your decision immediately, I don't see that, that if Mr. Brown prefers not to go now for another reason, fair enough ...

THE COMMISSIONER: How about having the voir dire now?

MS. CRONK: Well, if there is a hearing room available, sir, we can certainly do that.

THE COMMISSIONER: I can tell you that at this hour of the afternoon there is bound to be a hearing room available. There would be nobody else that would be such an idiot as to be sitting at this hour.

MS. CRONK: Sir, if you would like to adjourn for five minutes, I can go up and check if there is a hearing room available.

THE COMMISSIONER: Yes, all right. We will go and have it and then we will meet back here at 9:30 tomorrow morning.

MS. CRONK: That's fine, sir, thank you.

--- Whereupon the Hearing was adjourned at 4:15 p.m. until 9:30 a.m., Thursday, March 8th, 1984.

